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British Colonial Policy in the Age of Peel and Russell

W. P. MORRELL

NEW IMPRESSION

The twelve years (1841-52) of Colonial Policy covered in this book were years of revolutionary change during which the policies put forward by the 'systematic colonizers' with regard to the 'white' colonies won general acceptance; and it was the author's aim in writing this book 'to contribute something to the knowledge of that revolution, and of the ideas and policies of the men who played the leading parts in it.'

Only the most important colonies of the time are dealt with but these include the North American, Australasian and South African groups, as well as Jamaica, Trinidad, British Guiana and Ceylon. The author does not limit himself merely to official records, although the correspondence between the Secretaries of State and Colonial Governors undoubtedly forms the basis of his study, but has also gathered material from the principal debates in Parliament, from articles that appeared in the leading English newspapers and reviews, from the more important contemporary books and pamphlets upon colonial questions, and also from the private papers of such leading figures as Lord Grey. It was during this period that the questions of British Supremacy and Colonial Self-Government were being fiercely debated,

(continued on back flap)

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together with those of Systematic Colonization in Australia and the Transportation Question, and this book gives a lucid account of how responsible self-government was granted to the North American and Australian colonies during the years that Lord Stanley and Earl Grey occupied the Colonial Office.

First published in 1930, this book was the fruit of many years of research and remains an invaluable aid to all students of British colonial policy.

"Mr. Morrell has undertaken . . . the task of studying from one centre all the varied problems and particulars of Empire, and of imposing coherency upon their obstinate diversity Perhaps the most interesting chapters in Mr. Morrell's book are those which he devotes to the fall of the old Colonial System, based originally on monopoly, and since Huskisson's reforms, on preference."

The Times Literary Supplement,
June 1930

"A most important and extensive study of the period 1841-52, based on extensive use of sources and documents."

American Historical Review,
January 1931

BRITISH COLONIAL POLICY
IN THE AGE OF PEEL AND RUSSELL

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COLONIAL POLICY
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PEEL AND RUSSELL

William Parker
W. P. MORRELL, 1899-



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PREFACE

THE twelve years with which this book is concerned have already received attention in detail in the histories of the different colonies, in monographs on various aspects of colonial history or policy; and in biographies of notable men. There is, however, so far as I am aware, no modern work which attempts to give a general view of British colonial administration during the Ministries of Sir Robert Peel and Lord John Russell; for the biographies which might be expected to give one—those, namely, of Lord Stanley (afterwards Earl of Derby and Prime Minister of England), who was Colonial Secretary from 1841 to 1845, and of Earl Grey, Colonial Secretary from 1846 to 1852—have never been written. Yet during those years the new ideas which in the thirties had been regarded as startling innovations won general acceptance and colonial policy was revolutionized. The aim of this book is to contribute something to the knowledge of that revolution, and of the ideas and policies of the men who played the leading parts in it.

The most important source has been the official correspondence between the Secretaries of State and the Governors of Colonies: some of this was printed in the Parliamentary Papers of the day, but much remained unprinted and must be studied in the CO Series at the Public Record Office. Among the colonies I have confined myself for the most part to those which seemed most important at the time—the North American, Australasian, and South African groups, Jamaica, Trinidad, British Guiana, and Ceylon. I have not entirely neglected the others, but some degree of concentration of interest seemed to me essential. In some cases the ground has already been worked over. In particular, the researches of Professors J. L. Morison, Chester Martin, and W. P. M. Kennedy have illuminated the Canadian field so thoroughly that it is vain for a new worker to hope that he will be able from this distance to throw much fresh light upon it. The most that can be looked for is a certain difference in the point of view. Elsewhere—notably in the case of the West Indies—much of the material has, I think, been used for the first time.

I have not limited myself, however, to the official records. The principal debates in Parliament, the principal English newspapers and reviews, the more important contemporary books and pamphlets upon colonial questions, and the private papers of some of the chief actors in the events considered—and in particular the hitherto unused papers of Earl Grey—have afforded me valuable material. To completeness or finality I make no claim: they are obviously impossible.

One result of the general method I have adopted has perhaps been to lay me open to the charge of looking at the history of the colonies through the eyes of Governors and Secretaries of State. Colonial laws and the more important resolutions, addresses, and reports of committees, of colonial legislative bodies, and indeed of other influential organizations, were of course enclosed by the Governors in dispatches to the Colonial Office; but I quite recognize that these documents do not always, to say the least of it, give the whole truth. Without going into the question whether the whole truth can ever be attained, I might perhaps plead in extenuation of the offence that what Governors and Secretaries of State believed to be true had often as much influence upon policy as what was actually true. Indeed, if any fact was to influence policy it must first in some way or other come to light; and it is the point of view and policy of the Imperial Government that I have been most anxious to understand. For I confess I do not agree, though born and bred in one of the Dominions, with the not uncommon view that the history of British colonial policy is a record of muddling and misgovernment, occasionally relieved by the graceful surrenders of a Pakington or the red-blooded, masculine imperialism of a Chamberlain. Those who hold such views greatly underrate, as it seems to me, the difficulty of the problems of Imperial government. To deny that Canadians and Australians of the past are chiefly responsible for the Canada and Australia of to-day would be absurd; but it is hardly less absurd to maintain that the Imperial Government has given no valuable help or guidance and has never, in cases of dispute, been in the right. Surely the British Commonwealth and Empire as they stand to-day afford some ground for the belief that the qualities of patience,

sympathy, and wisdom have, to say the least of it, not been entirely absent from British colonial policy.

I am greatly indebted to Earl Grey, to whose kindness I owe the privilege of being able to consult the valuable papers of the third Earl at Howick Hall; to Dr. A. G. Doughty and Dr. H. P. Biggar of the Canadian Archives, who kindly made it possible for me to see a selection of the Elgin-Grey Correspondence from the Archives at Ottawa; and to Sir C. T. Davis, lately Permanent Under-Secretary of State for the Dominions, through whom I was enabled to consult the Colonial Office records relating to Newfoundland before they were open to public inspection.

One very deep debt of gratitude which I owe cannot now be repaid. The late Mr. H. E. Egerton, formerly Beit Professor of Colonial History, for three years supervised my research and was ever ready with the advice and criticism which his unrivalled knowledge of colonial history enabled him to give. It is a pleasant duty also to acknowledge my indebtedness to Professor J. L. Morison, of Armstrong College, Newcastle-on-Tyne, for much encouragement and stimulating criticism; to Professor W. M. Macmillan, of the University of the Witwatersrand, who read the South African chapters in draft and led me to modify my views on many points; to Mrs. M. H. Potter, who relieved me of much of the labour of indexing; to Mr. K. N. Bell, Fellow of Balliol, with whom, in the course of collaboration in a source-book covering a rather wider period, I naturally discussed many of the points here dealt with, and to Professor Coupland, without whose constant encouragement I cannot believe this book would ever have seen the light of day. Finally, for generous assistance in making publication possible, I am under a great obligation to the Rhodes Trustees and the Delegates of the Clarendon Press. Nor must I forget to express my sense of the courtesy and consideration shown me by the staffs of the Libraries of the Royal Empire Society, the Oxford Union Society, and the Colonial Office, of the Bodleian Library, of the British Museum, and of the Public Record Office.

BALLIOL COLLEGE, OXFORD.

W. P. M.

27th January 1930.

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I

BRITISH COLONIAL POLICY, 1815-41: PRINCIPLES AND TENDENCIES

'RING out the old, ring in the new,' say the historians when in 1783 the old Mercantile Empire breaks in twain and when in 1815 England emerges from the Napoleonic Wars with a new Empire won. It was indeed an Empire of new lands—though not entirely new; but the mere fact that the British Empire as an institution was two centuries old was a potent influence upon British colonial policy. The old colonial system was still alive, both as a piece of political tissue and as a spirit working upon the minds of men.

To the old colonial theory the value of the Empire was chiefly commercial. 'From the very outset it was understood that the colonies must help to form a self-sufficing Empire by supplying England with the tobacco she would otherwise have to get from Spain, or the sugar she would have to get from Holland.'¹ Such commodities enjoyed preferential rates of duty in the English market, and were in some cases encouraged by bounties. In return the colonists were expected to take English manufactures; and the stronger the growth of the manufacturing interest in England, the greater was the emphasis laid upon this side of the policy, the more determined the opposition to any manufactures by the colonists themselves. No Empire, further, could be truly self-sufficing without a strong mercantile marine of its own: this, indeed, was essential to the existence of a strong navy, and a strong navy was essential to the existence of the Empire itself. Hence the trade between England and the colonies must be carried in English or colonial ships. The more the colonies produced of the goods that England wanted, the better, and no one cared how they produced them: in the tropical colonies, the natural result of this commercial conception of Empire was slavery. It mattered little, indeed, what type of white man went to the colonies to produce:

¹ Knowles, *Industrial and Commercial Revolutions in England*, p. 316.

hence they were a useful receptacle for convicts and undesirables. The men of Elizabethan and early Stuart days, slave-traders, pirates, and religious bigots though many of them were, had at least a glimpse of a nobler Imperial ideal; but in the eighteenth century, the century of common sense, men gravely balanced the advantages of keeping Guadeloupe and keeping Canada.

Finding the expense of maintaining and extending the Empire too great for her to bear alone, England called upon the colonies which she had nursed into prosperity to contribute their share. To her amazement they denied that they were merely subordinate parts of a great commercial and political machine controlled from London. True, England had from the beginning allowed them wide powers of self-government: it was difficult to see how else men of English stock could have been induced to provide funds for the internal government of the colonies. But these powers had never been intended to cover matters vital to the existence of the Empire as a political system. A man of genius like Burke might accept the dogma of parliamentary supremacy and yet care more for colonial liberty; but to the men of talent who governed England the assertion of the authority of Parliament seemed not only justifiable on grounds of right but more important practically than the cultivation of colonial goodwill. They attempted to force the colonists into submission, and lost the thirteen colonies. Their employment of German mercenaries was the final proof of their lack of understanding of the true nature of the Imperial tie.

What were the effects of the American Revolution upon the old colonial system? It did not check the Imperial instincts of the British people. The loyalists from the old colonies were encouraged to settle in Canada and Nova Scotia, making them for the first time British colonies in the fullest sense of the word. New South Wales was founded: to provide for the hundreds of convicts now accumulating every year, Britain went to the trouble of settling a new continent. The Cape, Guiana, Ceylon, Mauritius, Java were taken in the wars, and, of these, only Java was given up. The economists and Benthamites exploded the old colonial

theories, and informed the country that colonies were causes of war and of misgovernment and definitely pernicious; but the country was hard of hearing. Nor were the old arguments for free institutions thought to have lost their weight. In 1791, before the excesses of the French Revolution had caused freedom to be confused with Jacobinism, Pitt granted Canada representative government and so lit a fire which no man could put out, and for which Durham had later to find a chimney. There were long years of reaction afterwards, but the reactionaries did not require an American Revolution to provide them with their arguments. The old commercial principles, however, received a severe shock. A self-sufficing Empire was now more than ever a vain hope. The United States continued to trade with England, proving that trade and the flag were not after all indissolubly connected. Till the maritime controversy and the war made it impossible, the commercial system was so adjusted that trade between the United States and the West Indies also continued with little interruption. The changes were in form special exceptions, but in fact they were serious breaches of the principle of monopoly.

After the wars, the situation of England had entirely changed, and there were new arguments ready to hand for a change in her traditional commercial system. She wanted markets, and to get them was prepared to offer concessions to foreign countries. Then the United States, in retaliation for the refusal of Great Britain to extend to the colonies the shipping reciprocity arrangement of 1816, forbade entry to British vessels from the colonies. In 1822 an Act for which Wallace, Vice-President of the Board of Trade, was chiefly responsible, in effect conceded the point. Free intercourse was allowed between any countries in America and the British colonies, so far as certain enumerated food-stuffs and raw materials were concerned, in ships of those countries as well as in British ships. A direct trade was also allowed from the colonies in articles of their growth or production to ports of the continent of Europe, provided that the goods were carried in British ships.¹ In 1825 Wallace's reforms were

¹ 3 Geo. IV, caps. 44, 45. Duties were imposed by the Acts on the foreign articles allowed to be imported.

carried some distance further by Huskisson. By the Acts of that year the colonies were given complete freedom to trade, except in certain enumerated articles, with all countries willing to reciprocate, subject to the proviso that the ships should belong to the country whose produce they carried: Great Britain, however, received a preference as against foreign countries in the colonial market. At the same time Huskisson abolished the large fees levied in colonial ports; encouraged the colonial entrepôt trade by extending the warehousing system to the colonies; and lowered the British import duties on West Indian rum and Canadian corn.¹

In principle the commercial system of the Empire was now based not upon monopoly but upon preference. The old exclusive system, Huskisson believed, cramped the prosperity of the colonies, and whatever tended to increase their prosperity was in the interests of the Mother Country. The ultimate goal of his policy was free trade within the Empire. The emphasis was passing from self-sufficiency to freedom. And the liberalism of Huskisson was more than mere commercial liberalism. His six months at the Colonial Office in 1827-8, in particular, show him to have been the herald of a new dawn. The real significance of Huskisson in the history of colonial policy lies in the fact that he defended Imperial preference on political rather than on economic grounds. The advantages of Empire were in his opinion great, and they were not merely material advantages. The greatest merit of England was to have planted the seeds of freedom, civilization, and Christianity in every quarter of the globe—to have promoted the growth of new nations kindred in blood, in habits, and in feelings to herself. He dwelt not only on the advantages, but also on the duties, that the possession of an Empire carried with it.² There were many, no doubt, who still believed in the old commercial imperialism and regarded material advantage as the real cement of Empire, but Huskisson's half-formulated claim that it was the mission of England to plant new nations overseas marks the beginning of the more human imperialism which was to save the second British Empire from going the way of the first.

¹ On all this see Brady, *William Huskisson and Liberal Reform*.

² See in particular *Speeches of Rt. Hon. W. Huskisson*, vol. iii, pp. 287-8.

The change was in part, perhaps, the result of reflection upon the American Revolution, but in the main it was the result of new forces that were now in motion. Times were bad after the Great Wars. The price of corn fell: the small farmer groaned under the burdensome rates of the old poor law, whilst the landowner was steadily converting arable land into pasture and throwing men out of work. The industrial revolution went its way relentlessly, gradually squeezing out of existence the old domestic industries and handicrafts. Population in Ireland and in the Scottish Highlands was rapidly outgrowing the means of subsistence, and starving Irish poured into England and beat down rates of wages. The ideas that loss of citizens meant loss of power, that emigration should be encouraged only where it was necessary for colonial defence, began to lose ground: social reformers began to realize, as the men of the early seventeenth century had realized, that the Empire was not only a commercial asset but also a field for colonization. The people, however, rather than the statesmen and the social reformers, were the true rediscoverers of the Empire: more important than the parliamentary grant to the Albany settlement at the Cape in 1819-20 or other isolated experiments, or than the State-aided pauper emigration schemes of Wilmot Horton later, was the steady stream of voluntary emigrants to British North America. At first coming mainly from Ireland and the Highlands, after 1825 they began to come from the whole of the British Isles, and men of means and education began to join them.¹ It did not occur to the emigrants to think of the Empire as a commercial organization: their object in going to the colonies was not to produce commodities for export but to found new homes.

The prophet of the new imperialism, the imperialism of the great migration, was Gibbon Wakefield. Sent to Newgate Prison to expiate his abduction of an heiress, he chose as the text of his meditations the recent colonial experiment at Swan River. This colony, founded in 1829 to guard against an occupation of Western Australia by the French, was attended by too much hardship and disappointment to be

¹ See especially Helen I. Cowan, *British Emigration to British North America, 1783-1837*.

acclaimed a success by a progressive and utilitarian age. Surely it was possible to devise a plan more in accord with the spirit of the age. Yes, said Wakefield, answering his own thoughts, in fundamentals a colony is made up of men, women, and land: this colony was doomed to failure by the excessive size of the grants of land. And so the inspired writings of this new prophet, with his vision of transplanting to new soil 'all that is good in an old society',¹ were given to the world in the form of an addendum to the theory of political economy—as befitted a prophet with utilitarian associations, writing in the second quarter of the nineteenth century.

In his *Letter from Sydney* in 1829, in the two volumes of 1833 entitled *England and America*, and in many minor publications, Wakefield reduced the practical problem to its theoretical terms. In England there was a superabundance of capital and labour in relation to the 'field of production': in the colonies the field of production—the land, in other words—was superabundant, whilst capital, and still more noticeably labour, were deficient. The settlers had large grants of land, but they were totally lacking in the means of putting them to profitable use: 'as my estate cost me next to nothing, so it is worth next to nothing.'² The labour difficulty had at times been met by slavery, at times by the convict system, but the true solution of the problem was the artificial restriction of the supply of land by selling all agricultural land at a 'sufficient price'. The labouring immigrant ought to work a few years for wages before he was in a position to buy land and himself employ labour. Wakefield went on to argue that the best method of employing the proceeds of the land sales was in accelerating the progress of the colony by bringing in fresh labour. His theory in its first form, indeed, allotted to the 'sufficient price' the second function of adjusting by this means the supply of labour to the demand. He never made the mistake, however, of thinking that colonization began and ended in economic theory: his men and women were real men and women, and not abstractions of political economy. He was wont to enlarge upon the uncouth ignorance and violence of the

¹ *England and America*, vol. ii, pp. 175-6.

² *A Letter from Sydney*, p. 5.

American frontiersman, the stupidity and lethargy of the South African Boer; and he insisted upon the social advantages of his land system, which would prevent undue dispersion, and upon the importance of selecting emigrants wisely and sending the sexes in equal numbers. He spoke approvingly of the seventeenth-century policy of granting the colonies wide powers of self-government, and complained that it had fallen out of fashion. And finally, he was not only anxious that colonization should proceed upon sound principles: he was anxious also that it should proceed at a rate suited to the temper of the times and to the necessities of Britain.

Wakefield's economic theory was too rigorous for the complexities of economic life. The 'sufficient price' was an abstraction: when asked to name one, he subsided into his arm-chair and said it could easily be determined by experiment. He overlooked the effects of private re-sale and voluntary emigration on the relations between land and labour. He neglected to explain with due clearness the fact that the adjustment of the labour supply to the demand was only a subsidiary object of the sufficient price. He left out of account the claim of public works increasing the value of the land to a share in the proceeds of sales. He believed the theory to be of universal application: yet in reality it was unsuited both to the timbered lands of North America and to the ill-watered pasture-lands of the Australian colonies.¹ His ulterior objects, too, were based upon exaggerated hopes. Not colonization but railways and industrial expansion played the main part in the recovery of British prosperity. Nor was it possible for any human power so to regulate the emigration from Great Britain as to reproduce 'all that was good in an old society' in a new country.

Yet the influence of Wakefield's writings was profound. He made colonization a branch of political economy at a time when political economy was regarded by thinking men with a religious awe and when colonization, little understood though it might be, was transforming the New

¹ He later attempted to deal with the Australian pastoral problem, but not very successfully. For an able criticism of his economic theory see R. C. Mills, *The Colonization of Australia*.

World and, not least, the British Empire. And the writings were the work of a man of extraordinary powers of persuasion, of restless energy and ambition. He soon gathered round him a band of disciples—the brilliant, witty, and popular Buller, the logical, vigorous, outspoken Molesworth, and other lesser men—and through them he set about converting Parliament, which he could not hope to enter himself. He became the close ally of Rintoul, the founder of *The Spectator*, so that he could speak to the country through the Press. He won the powerful support of J. S. Mill. He was a born propagandist. ‘No man knew better’, as Dr. Garnett truly says, ‘how to play upon the various human passions, from the loftiest philanthropy down to the most sordid self-seeking, capable of being enlisted in the support of a colonizing venture.’¹ That, in fact, was the difficulty about Wakefield, as the Colonial Office soon found. If he was half genius, he was also half charlatan.

Wakefield himself always regarded his body of doctrine as being the truth, the whole truth, and nothing but the truth; but a public office must always take its truth precept by precept and line by line. What happened was that the Under-Secretary for the Colonies, Lord Howick, a young and able man with a liking for clear-cut ideas and a passion for political economy, became a convert;² and he persuaded Lord Goderich, his chief, to experiment with Wakefield doctrine in New South Wales. Dispatches of 9 January and 4 February 1831 swept away the old haphazard system of free grants, under which nearly three and a half million acres had been alienated, and, instead of the half-thought-out system of sales, equally haphazard and equally unfair, which had since 1824 been growing up alongside it, substituted sales by auction at five shillings per acre. Loud remonstrances came from every one connected with Australia;³ but the Colonial Office, so far from turning back, extended the system to other Australian colonies. The proceeds of the sales were at the same time anticipated to the extent of £10,000, and ‘a commencement was made in the

¹ Garnett, *Edward Gibbon Wakefield*, p. 80.

² He was, of course, the future Secretary of State, Earl Grey.

³ Earl Grey, *Colonial Policy of Lord John Russell's Administration*, vol. i, p. 309.

despatch of vessels to New South Wales fitted for giving passages at a moderate cost to emigrants of the rank of labourers'.¹

In later years Wakefield talked as if in a colony like New South Wales, where grants had been made in such reckless profusion, the putting of a price on land was worse than useless;² but at the time he was thankful for this small mercy.³ Yet it was natural that he should desire to found a colony of his own where his ideas might be tried from the beginning. The site chosen by the group of colonizing enthusiasts whose aid he enlisted in the venture was near Spencer's Gulf in the Great Australian Bight. The means of foundation they suggested was a proprietary company such as had founded Virginia and Massachusetts in the past; but the Colonial Office rejected the suggestion, and the South Australia Act of 1834 provided for a body of Commissioners, appointed by the Crown, to control land sales and emigration, but also for a Governor and other officials after the fashion of other colonies. Wakefield the theorist was to be allowed his share in the new colony, but he was told in effect that the business of a theorist was to theorize and not to interfere in colonial administration.

His influence however was still rising. He was by no means content that his ideas should receive a trial in one corner of the Empire. The Select Committee on the Disposal of Lands in the British Colonies in 1836, engineered by him and guided in the main by his suggestions, recommended that his principles should be definitely adopted by Act of Parliament and applied to the whole Empire. The minimum price must be fixed in each separate colony by the test of experience; but the whole of the arrangements connected with the sale of land—including the determination of such price and of the mode of sale—and the regulation of the flow of emigration to the colonies according to the demand for labour should be placed under the charge of a central Land Board, responsible either to the Colonial Office or to Parliament directly, and devolving part of its powers on local

¹ Earl Grey, *op. cit.*, vol. i, pp. 310-11.

² *View of the Art of Colonization* (ed. Collier), pp. 340-1.

³ Mills, *op. cit.*, pp. 164 ff.

Boards in the colonies.¹ The Durham mission to Canada, of which more anon, afforded another opportunity for the promulgation of these ideas. The persuasions of the Colonial Office since 1831 had not succeeded in impressing Canada with the advantages of the Wakefield system: Lord Durham recurred to the idea of a real Imperial control of lands and emigration, with a tax upon wild lands to bring some of the vast unoccupied areas back into the hands of Government and make possible a fresh start on the basis of sale. After all, said Durham, these lands were 'the rightful patrimony of the English people, the ample appanage which God and nature have set aside in the New World for those whose lot has assigned them but insufficient portions in the Old'.² It did not in reality follow that the patrimony of the English people must be secured to them by the interference of the English Parliament; and in practice no attempt was made to draw this conclusion. But again it did not follow that these suggestions must be adopted in their entirety or not at all. In 1837 T. F. Elliot of the Colonial Office was appointed Agent-General for Emigration; and in January 1840 Lord John Russell set up a Colonial Land and Emigration Board consisting of Elliot, E. E. Villiers, and Colonel Torrens to supervise the conduct of emigration, to act as agents for the sale of colonial lands, and to advise the Secretary of State upon the land and immigration systems of the colonies.³ If there was not to be full control, there was at least to be more systematic supervision of the peopling of the Empire.

The fact that systematic thinking was at last being done on the problems of Empire settlement was certain to discredit the practice of convict transportation. Only in a fit of absence of mind could it have been believed that transportation, whatever its merits as a punishment, was the best way to colonize Australia; and on this matter Archbishop Whately and the utilitarians generally joined hands with Wakefield and his systematic colonizers. The Archbishop indeed, in his *Thoughts on Secondary Punishments* (1832), made use

¹ *P.P.*, 1836, xi (H.C. 512). For extracts from Wakefield's evidence see Bell and Morrell, *Select Documents on British Colonial Policy, 1830-1860*, pp. 214-18.

² *Report* (ed. Lucas), vol. ii, p. 13.

³ Russell to the Commissioners (14 January 1840): *P.P.*, 1840, xxxiii (H.C. 35), pp. 2 ff.

of Wakefield's first-hand knowledge. The Committee of 1836 on the colonial lands was followed in 1837 by a Select Committee on Transportation under the chairmanship of Sir William Molesworth. Its report, presented to Parliament in August 1838, vehemently denounced the vice, the disease, the cruelty produced by transportation in New South Wales and in Van Diemen's Land. The system of 'assigning' the convicts as servants to the settlers was 'as uncertain as the diversity of temper, character, and occupation amongst human beings can render it': the system of road parties led to disorder, crime, and demoralization. After echoing Archbishop Whately's condemnation of the punishment as neither deterrent nor reformatory, the report proceeded to argue that if it did relieve Great Britain and Ireland of some of the burden of their crime, it only transferred the burden to parts of the British dominions less able to bear it; that the free portion of those communities was corrupted by the criminal; that convict labour, while economically advantageous in the past, was no longer equal to the demand and was merely an impediment to the influx of free immigrants. The convict, when he had served his term, might still 'receive encouragement to leave the country'; long-sentence men might still go for punishment to Tasman Peninsula or Norfolk Island, where they and the free settlers could be kept apart; but transportation to New South Wales and the settled districts of Van Diemen's Land should cease.¹

Molesworth's report had scotched the snake, not killed it. English opinion resisted the idea of abandoning a system which had existed from time immemorial and which had the additional merit of draining away the scum of society. Colonial opinion—or at least the opinion of influential sections in New South Wales and in Van Diemen's Land—was apprehensive as to the effects of stopping the supply of cheap convict labour. Lord John Russell introduced reforms in the system, reforms which were not altogether popular, but no steps were taken in the direction of total abolition.² None the less the report had brought abolition appreciably nearer.

¹ *P.P.*, 1837-8, xxii (H.C. 669). Extracts are printed in Bell and Morrell, *op. cit.*, pp. 281-5.

² See below, p. 387.

The ideas of Wakefield had not progressed without a check here and there. There was no sign of their conquering any of the colonies outside Australia. The attack on transportation had fallen short of complete success. The Wakefield Colony of South Australia itself had by 1841 undergone a damaging set-back. Wakefield himself indeed, by no means satisfied with the Act of 1834 or with the views of the South Australian Commissioners about the price of land, had withdrawn from the affair some time before and turned his attention to New Zealand. The experiment, however, had gone on. The enthusiastic but inexperienced Commissioners set their Surveyor-General an impossible task, with the result that the cultivation of the land, the first essential to progress, was deplorably delayed. The Governor quarrelled with the Resident Commissioner, and both had to be removed. Colonel Gawler, who was appointed to both positions, set about his task with great energy and determination, but his reforms were far from economical, and when the new Colonial Land and Emigration Board took over the responsibilities of the old Commissioners they were soon faced with nothing less than bankruptcy. Financial policy apart, the exploration of the interior had created a belief that the fertile regions were virtually exhausted, and the colony had now to compete with the new attraction of New Zealand. Land sales and capitalist immigration suddenly ceased, whilst labouring immigrants sent by the Commissioners continued to pour in and had to be maintained at the public expense. The collapse, in short, was complete.

Yet so strong was the influence of the Wakefield doctrine that the Select Committee appointed in 1841 attributed the failure to everything but that. They blamed Gawler, who had already been recalled, and the original Commissioners, but above all the unworkable compromise of the South Australia Act with its attempt to separate colonization from government. They recommended Parliament to meet the colony's engagements; they proposed to give South Australia an ordinary Crown Colony government until it was ready for an Assembly; and so far from condemning the Wakefield system, they came to the conclusion that too much land had been sold and that the price ought therefore to be

raised, raised indeed in all the Australian colonies.¹ This Committee included not only Molesworth and Howick but Gladstone and Stanley. The vogue of Wakefield's ideas was in fact greater than ever. The price of land in the Australian colonies had been raised in 1838 from five shillings to twelve. Shortly afterwards it was decided to introduce in the new districts just being opened up round Port Phillip a uniform price of £1, which was now the price in South Australia also. The Governor of New South Wales, Sir George Gipps, supported by the colonists, secured by the ability of his arguments a reversion to sales by auction, which Wakefield had now proclaimed a heresy, but the price of £1 was maintained. The passages of assisted emigrants had in 1837 been made free; two coherent systems, one of direct Government control, one of bounties to emigration contractors, were in operation; and the application of the land revenue to immigration was supplying New South Wales in particular with immigrants in unprecedented numbers just at a time when the rapid expansion of the pastoral industry was producing clamorous calls for labour. The colonization of New Zealand, which was destined by Wakefield to be a new and better South Australia, had begun.² The new Colonial Land and Emigration Commissioners were firm believers in the Wakefield theory. Nowhere, it is true, had it been put into operation precisely as Wakefield had formulated it; Stephen was an outspoken critic; and Merivale in his *Lectures on Colonization and Colonies* pointed out the flaws in its claim to universality.³ But both in the realm of theory and in the realm of practice its success had been astounding.

The success had not been entirely due to Wakefield, though he of course had more to do with it than any other individual. There was much in his doctrine that was both new and true; but this would have availed him little if it had not been for the fact that the English people was in colonizing vein. Wakefield helped men to understand, and gave them some hope of guiding, the instincts of the people. The colonists, old and new, were bringing new nations into

¹ *P.P.*, 1841, iv (H.C. 394) pp. iii-xxiii.

² See below, pp. 103 ff.

³ Merivale, *Lectures* (1861 edition), pp. 268-74. On Stephen and his views see below, pp. 39-46, esp. p. 42.

being: destiny had assigned to Wakefield the preaching of the gospel that it was England's duty to see to it that these new nations were worthy of their mother country and to keep the growing family together in one united Empire. Yet if the revolution in the conception of colonization which began in England about 1829 and was still in progress in 1841 was the result not so much of new theories as of new facts, the share which Wakefield had in it establishes his claim to be one of the founders of the modern British Commonwealth.

This revolution quickly spread from the sphere of colonization to the sphere of government. Ultimately, as Wakefield pointed out in *England and America*, the colonies could not be expected to submit to government from a distance, and all the early English colonies were allowed self-government from the beginning.¹ The Tory reaction had in fact been only an episode; and the speeches of Huskisson, the concession of increased financial control to Canada in 1831, the grant of representative government to Newfoundland in 1832 show that it is hardly fair to talk of the colonial policy of the time as opposed on principle to free institutions. The danger-points were rather that insufficient importance was attached to the principle, and that the concession of what had been conceded to the American Colonies in the past would not solve the problem. The old colonies had attempted to keep salaried officials out of the Assembly and to seek control over the Executive indirectly, by making the Governor financially dependent on the Assembly and by assuming Executive powers through Committees of the Legislature.² In the Canadas the situation was complicated by the existence of a nominated Upper Chamber and an organized Executive Council, and by the fact that the Crown had control over a considerable portion of the revenues. This strengthened the position of the Governor, but not unnaturally it also increased the exasperation of the Assemblies. In Lower Canada a strong French nationalist movement had arisen, disliking the influx of English immigrants; and the leaders, the doctors and lawyers who had political ambitions and desired that the Assembly should have full control over the machinery of government, could

¹ *England and America*, vol. ii, 243 ff.

² Greene, *The Provincial Governor*.

call upon racial feeling in their support. In Upper Canada there was not only a dislike of the Tory 'Family Compact' which monopolized political power but a religious grievance against the Church of England, which, though it was the church of a minority, held as 'clergy reserves' one-seventh of the granted lands. The Whigs made ineffectual attempts to quiet Canadian discontent. The Lower Canada Assembly used the surrender of the Crown revenues, other than the casual and territorial revenues, in 1831, merely as a starting-point for further demands. A Commission sent out in 1835 achieved nothing at all. The deadlock was in fact complete, for of the three main constitutional demands of the Canadians—full control of the revenues, an elective legislative council, and control of the Executive by the Assembly—the Ministry were prepared to grant the first only in return for a civil list, and the others not at all. Yet this last demand, for 'responsible government', which was put forward most prominently by the moderate Reformers of Upper Canada, was of a very different character from the other two. It was not designed to strengthen the position of the Assembly against the Executive, but to bring the two powers into harmony—not to weaken government by a system of checks and balances in the bad old American way but to establish it more firmly by making it a unified whole. It alone could carry the traditional policy of colonial freedom to its logical conclusion and give the colonies 'the very image and transcript of the British Constitution'. But it was not so much a constitutional reform as a constitutional revolution.

It was necessary that there should be a crisis of some sort before the revolution could be brought about. In the winter of 1837 there was a rebellion in Canada. Even in Lower Canada it had few active supporters, and was mismanaged and easily suppressed: in Upper Canada it might never have occurred but for the provocative attitude of the Lieutenant-Governor, Sir Francis Head. The complete breakdown of the old policy was at last made plain. The Ministry passed an Act suspending the constitution of Lower Canada, but they knew in their hearts that what was wanted was not less freedom but more. They sent out Lord Durham—'Radical Jack' of Reform Bill days—as

High Commissioner; Buller went with him as secretary and Wakefield as unofficial adviser. The Colonial Reformers had their chance of saving Canada for the Empire, and they took it. Durham's stay in Canada was short and stormy, but when in February 1839, a few months after his resignation and return, his Report was given to the world, the constitutional revolution had begun. As one of the framers of the Reform Bill he was favourably disposed before ever he landed in Canada to the idea that the real solution of the problem was freer government, and despite all the difficulties, theoretical and practical, he made it his guiding principle. The great practical difficulty was the indiscriminating animosity of the French against the Government and the English. They were unfitted for free institutions—'an old stationary society in a new and progressive world':¹ nor indeed would the Lower Canada English tolerate the authority of a House of Assembly in which the French should possess or even approximate to a majority.² Federal union of the North American colonies, which Durham had been inclined to favour, was therefore an impossibility: so, for that matter, was absolute government, in the free air of America. The only solution was to amalgamate the French with the more vigorous and progressive nationality. There must be a legislative union of Upper and Lower Canada—in it the English would be a majority—and by a gradual process of education the Lower Province must be made English in language and English in laws.³ In the course of time the other provinces could be admitted to the union. The United Canadas must be given self-government in the form demanded by Baldwin and the moderates:

'The responsibility to the United Legislature of all officers of the Government, except the Governor and his Secretary, should be secured by every means known to the British Constitution. The Governor, as the representative of the Crown, should be instructed that he must carry on his government by heads of departments, in whom the United Legislature shall repose confidence; and that he must look for no support from home in any contest with the Legislature, except on points involving strictly Imperial interests.'⁴

¹ *Report* (ed. Lucas), vol. ii, pp. 30-1.

² *Ibid.*, pp. 52-3.

³ *Ibid.*, pp. 288-9.

⁴ *Ibid.*, p. 327.

What were these 'Imperial interests' which should be beyond the competence of the Colonial Government? The form of constitution; the control of waste lands; external trade; and foreign relations. Otherwise the colonial legislature, though checked by the reservation of a civil list, by an independent judiciary, by municipal institutions, and by the grant to the Executive of the sole initiative in money votes, should be the dominant power in the colony. Thus in due time a great free British nation would come into being on the North American Continent.

Union was not a new idea. It had more than once been advocated, and advocated for more reasons than one, by men who had given their minds to the Canadian problem; and in 1822 a Union Bill, introduced by the Government of the day, had got some way in Parliament. Responsible government was not a new idea either, though it assumed a new importance when urged by a statesman of Durham's eminence, and urged in language worthy of the greatness of the theme. What was new in the Report was the insight with which Durham perceived the proper end and aim of union and responsible government—the formation of a Canadian nation under the British Crown. Robert Baldwin shared both Durham's faith in self-government and his imperialism, but even he thought a federal union would usurp the proper functions of the Imperial Parliament and unquestionably tend rapidly to bring about a separation from Great Britain: legislative union he did not even discuss.¹ Durham was in fact one of the prophets of the Canadian Dominion of 1867, in spite of his failure to foresee its federal form or the part that must be played in it by the French; for the Dominion of Canada drew its inspiration from just such a faith in free institutions, and in the compatibility of nationality and Empire, as radiates from the Report.

Faith was necessary for complete understanding of the Report. To men of little faith the theoretical objections to responsible government appeared insuperable. Those objections were clearly formulated by Lord John Russell, the

¹ Baldwin to Durham (23 August 1838): *Report of Public Archives, Canada*, 1923, pp. 326-8.

ablest member of the Ministry. English precedents, Russell insisted, could not be applied to Canadian conditions:

'It may happen . . . that the Governor receives at one and the same time instructions from the Queen and advice from his Executive Council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if, on the other hand, he is to follow the advice of his Council, he is no longer a subordinate officer, but an independent sovereign.'

And it was futile to talk of confining responsibility to internal affairs:

'There are some cases of internal government, in which the honour of the Crown or the faith of Parliament, or the safety of the State, are so seriously involved, that it would not be possible for Her Majesty to delegate her authority to a Ministry in a colony.'

Yet it would be unfair to condemn Russell as illiberal, for he went on to say that the Queen's Government had no desire to thwart the North American Assemblies; that there was nothing he desired more than the maintenance of harmony between the Executive and the Legislature; that every political constitution in which different bodies shared the supreme power was only able to exist by the forbearance of those among whom this power was distributed.¹ In practice he gave away nearly the whole case, and what separated him from Durham was faith and nothing else.

Durham died in 1840, but Russell's theoretical objections did not remain unanswered. Buller in his anonymously published *Responsible Government for Colonies* defended responsible government, with admirable vigour and lucidity, not merely as the solution of the Canadian problem but as a general principle of colonial policy.

'It seems to stand to reason, that on whatever points the Mother Country allows the people of the colony to make whatever laws they choose, it can have no interest in preventing these laws from being administered by those persons in whom the people of the colony feel the greatest confidence. . . . It is better to be without a fire, than to have a fire without a chimney. . . . We do not pretend that the

¹ Russell to Poulett Thomson (14 October 1839): Kennedy, *Documents of the Canadian Constitution*, pp. 522 ff.

system of colonial government which we think advisable is free from all liability to be disturbed by the violence and folly of either of the parties. . . . But it would be difficult for Lord John Russell to point out any form of government which would work well if we were to suppose all persons who had anything to do with it so utterly destitute of common sense and common fairness as he is pleased to suppose that colonial legislatures will always be. . . . A Governor might be compelled to give his assent to bad laws, to refrain from adopting good measures, to dismiss those whom he considers the fittest, and to appoint those whom he may regard as the most unfit for office. It is better that he should do this than that he should have the power of doing otherwise; because, in the first place, it is about ten chances to one that the Assembly of the Colony knows its interests as to men and measures better than the Governor or his adviser in Downing Street can, and is right on the matters in dispute; and secondly, because, even if the contrary be the case, the colony will be the sole or far the greater sufferer by bad officers and bad policy.'

There was little reason to apprehend a collision on the matters reserved for Imperial control.¹ Russell's dilemma existed in theory, but in practice might be ignored.

Across the Atlantic Joseph Howe, the great Nova Scotian, in his masterly *Letters to Lord John Russell* gave, in effect, the same answer. The real tie between Great Britain and the colonies, he stoutly maintained, was the natural affection of their inhabitants: the doubts and hesitations of the opponents of responsible government were a libel upon the colonists and upon the constitution they claimed as their inheritance. The responsibility of the Governor, to which Russell attached such importance, was a mere abstraction: 'he must carry on the government by and with the few officials whom he finds in possession when he arrives.' The forebodings of conflict were based on the assumption that the interests of the Mother Country and those of the colonies were not the same; but the colonies were merely claiming the control of their own revenues and the means of influencing the appointment and acts of the men who were to dispense them; the arguments drawn from the application of the principle to intercolonial and foreign trade, foreign affairs, and war were meeting imaginary cases.

¹ *Responsible Government for Colonies* (ed. E. M. Wrong), *passim*.

'It is said, that if this principle had been in operation, Papineau and Mackenzie would have been ministers in the respective provinces they disturbed! But do those who urge this objection ever stay to inquire whether, if there had been responsibility in the Canadas, either of these men could have assumed so much consequence as to be able to obstruct the operations of Government and to create a rebellion in a British province?'¹

For the time being opinion in England probably agreed rather with Russell than with the Durhamites. Revolutions, if they are lasting, are not made in a day. It was distressing that the ablest leader of the Whigs, the traditional friends of freedom, should lack faith in the educative influence of responsibility and in the reasonableness of his colonial fellow-countrymen; that there should be Conservatives who held to the old crumbling mercantilist theory of Empire and regarded common material benefit, not common freedom, as the true Imperial tie; that there should be Liberals who believed that the business of an Empire was to prepare its colonies for independence, and that common material benefits in the long run made Imperial ties unnecessary.² But Durham and Buller and Howe had given a lead. The Report became 'the text-book of every advocate of colonial freedom';³ it voiced the deepest aspirations of the colonists; it reminded England that to be the champion of freedom was her historic mission; it assured her that the emigrants who were now going forth in such numbers from her shores need not be lost to the Empire if the Empire was governed wisely. In the end these facts would tell.

The Whig Ministry, whilst not entirely agreeing with the Report, were well aware that it could not be ignored. Lord John Russell became Colonial Secretary in August 1839, and one of the rising men of the party, Charles Poulett Thomson—a clever politician and an expert in economic and financial questions—gave up the Presidency of the Board of Trade to become Governor-General of Canada. Poulett

¹ Howe, *Speeches and Public Letters*; Kennedy, *Documents of the Canadian Constitution*, pp. 480-514.

² See Cornwall Lewis, *The Government of Dependencies* (1841) (ed. Lucas), pp. 233, 324.

³ Buller, *Sketch of Lord Durham's Mission to Canada* (1840): *Durham Report* (ed. Lucas), vol. iii, p. 375.

Thomson's first task was to unite the Canadas without forcing union upon the Upper Canada English, who were disposed to make impossible stipulations. Before long he had induced the Upper Canada Assembly to pass the desired resolutions on union; and he proceeded to pass an Act which for the time removed the highly controversial question of the clergy reserves from the political arena. The Union Act (3 & 4 Vict., cap. 35) passed during the next session of the Imperial Parliament marked the end of the first stage of his administration. All territorial and other revenues at the disposal of the Crown were surrendered to the Assembly in return for a civil list of £75,000: the initiation of all money votes was secured for the Crown; but to Poulett Thomson's chagrin Peel and Stanley persuaded the Government to omit the clauses setting up a system of municipal institutions. English was to be the sole official language, and the smaller though increasing population of Upper Canada was given equal representation with the Lower Province in the Union Assembly. These provisions were directed against the French, and the French of course knew it. Formidable difficulties still confronted the Governor-General, though his elevation to the peerage as Lord Sydenham was at once an indication of the confidence of the Imperial Government and an incentive to further efforts. He was instructed to govern in harmony with the Assembly, but he was not to go to the length of responsible government as recommended by Lord Durham. He had to set the machinery of government working smoothly in Canada, and to train to constructive work, which the prevailing economic depression made more than ever necessary, politicians who had been bred up in irresponsibility and agitation. It might not be the Durham policy, but it was at any rate an active, reforming policy: whether the policy succeeded or not, it was clear that a new spirit had been introduced into colonial government:

The developments of the thirties in colonial government and colonization were in large measure the work of a small body of men, Colonial Reformers, who were in touch with the spirit of the age; but the imperialism of the Colonial Reformers was not the only new imperialism. Another equally ardent body of men were chiefly interested in

transforming the relations of the Empire with its backward races. In the last years of the old Empire some interest had been taken by the Imperial Government in the North American Indians, who had hitherto been left to the uncontrolled management of the colonies, often with decidedly discreditable results; but the rise of the new doctrines really dates from Burke, who for the first time applied in unequivocal terms to India the principle that all political power ought to be used for the benefit of the governed.¹ In the seventies and eighties of the eighteenth century Wilberforce, Clarkson, and other earnest men made a serious attempt to apply this principle where it was far more needed than it was in the case of Warren Hastings—to brush aside the pleas of economic advantage and political expediency, and awaken the conscience of the nation to the evils of slavery and the slave-trade. After eighteen years of parliamentary struggle, in the face of prejudice against ‘Jacobinical’ ideas, of absorption in the conflict with France, and of much sheer apathy, their efforts were crowned with success, and the Ministry of All the Talents in 1807 passed an Act whereby the British slave-trade was prohibited. It was only the beginning. The Evangelical Revival was in full swing: the missionary societies steadily grew in influence and on these questions had the powerful support of the utilitarians: public opinion was thoroughly roused, and had to be taken into account by both Foreign and Colonial Secretaries. The ‘philanthropists’, finding that the abolition of the slave-trade produced no mitigation in the lot of the negroes in the West Indies, began in 1823 to urge that slavery itself be abolished. The Government at first replied with measures of ‘amelioration’ with the avowed object of fitting the slaves for eventual freedom; but the West Indian Legislatures resisted stubbornly, public opinion grew impatient, and in 1833, in the first session of the reformed Parliament, slavery was abolished. The liberated slaves were to serve a six years’ apprenticeship as a preparation for total freedom, and the slave-owners were given compensation to the tune of £20,000,000. The ‘philanthropists’ had opposed the apprenticeship, and did not relax their vigilance when the Abolition Act passed into

¹ Coupland, *Wilberforce*, p. 58.

law. Complaints were made ere long that the planters were abusing their rights over the apprentices, particularly in Jamaica: a new agitation was whipped up in England; and in 1838, taking a broad hint from the Colonial Secretary, the several slave colonies passed Acts bringing the apprenticeship to an immediate end. The 'moral revolution'¹ was complete: the slaves were free.

The ramifications of the 'West India interest' extended far and wide among the British governing classes, and the slave colonies were the most populous group in the Empire next to the North American; but missionary enthusiasm was not confined to slaves. There were slaves at the Cape of Good Hope when it became a British colony during the French Wars: there were also the Hottentots, who were not slaves but had 'no practical alternative to serfdom',² and their status soon attracted the attention of the missionaries and in particular of the able and outspoken local Superintendent of the London Missionary Society, Dr. Philip. First the missionaries founded Hottentot 'Institutions': then Philip went to England, appealed to the British public in his *Researches in South Africa*, and had the satisfaction of securing for the Hottentots equality before the law by a local ordinance which the Cape Council was forbidden to amend without the express sanction of the Imperial Government. Attempts were made by the colonists to win back some of the lost ground by a vagrancy law, but after 1828 the interest shifted to the Bantu tribes on the colonial frontier. Policy after policy—conciliation, reprisals, 'neutralization' of a strip of territory between the 'Kaffirs' and the whites—had been tried. None had succeeded, for none took account of the fact that land-hungry colonists and land-hungry Kaffirs could not be expected to live peaceably side by side without some effective Government control of their inevitable mutual relations. The meeting of cattle-raids by counter-raids was a poor substitute for government. The border tribes were unsettled by wars in their rear. Unfulfilled hopes of a change in the frontier system, which Philip had led them to expect, perhaps unsettled them further. In

¹ Coupland, *op. cit.*, p. 511.

² Macmillan, *The Cape Colour Question*, p. 148.

December 1834 war broke out, and Governor D'Urban, convinced that it was the only way to give security to the frontier settlers, advanced the colonial boundary from the Great Fish River to the Kei. The missionary societies, sympathizing with the Kaffirs and believing that not they but the colonists were to blame for the war, appealed to the Secretary of State, Lord Glenelg, and found in him a willing listener. The annexation would certainly be expensive, and appeared to be unjust. The opinion of Philip that the best course now would be to retain and effectively control the territory passed unheeded. Glenelg declared that the war had been unjustly waged, and revoked the annexation.

The views of the missionary societies of Exeter Hall seemed to have triumphed all along the line in South Africa; but the result was a striking demonstration of the dangers of a policy which proceeded upon abstract principles in disregard of human facts. The frontier farmers, the Dutchmen in particular, were not prepared to accept this strange new view that these heathen slaves and Hottentots and Kaffirs must be placed 'on an equal footing with Christians, contrary to the laws of God, and the natural distinction of race and religion'.¹ They had lost their slaves for but a mockery of compensation; they had been deprived of proper control over their Hottentot servants; they had defended their property against Kaffir attacks, only to be called immoral, and to see the Kaffirs restored to a position which would inevitably lead to further outrages and further wars. They began to swarm out of the colony in hundreds and trek away into the veld where Nature could have her way. The motives of the emigration, wrote Glenelg, were sufficiently obvious:

'They are the same motives as have, in all ages, compelled the strong to encroach on the weak, and the powerful and unprincipled to wrest by force or fraud, from the comparatively feeble and defenceless, wealth or property or dominion, richer pastures, more numerous herds, and a wider range of territory.'²

What was not sufficiently obvious to Lord Glenelg was

¹ Mrs. Steenkamp, one of the Trekkers, quoted by Macmillan, *The Cape Colour Question*, p. 81.

² Glenelg to Napier (28 November 1837): Bell and Morrell, *op. cit.*, p. 488.

the new complexity which the Great Trek had brought into the problems of South Africa. He might denounce the trekkers: he might send the unpopular Stockenström to inaugurate a new frontier policy and make treaties of peace and friendship with the tribes; but paper denunciations and paper treaties would not alter the stubborn Boer or civilize the Bantu or affect the essential geographical unity of all South Africa.

The Exeter Hall party, however, like Wakefield, perceived that this was a colonizing age; and like him they sought, through a Select Committee on Aborigines in British Settlements (1835-7), to consolidate their influence upon colonial policy. The Cape was the *pièce de résistance*, and members had the benefit of the views, not only of the missionaries and, for the sake of appearances, a few of their opponents, but even of two natives, John Tzatzoe, a Kaffir chief, and Andries Stoffel, a Hottentot, specially lent for the occasion by Dr. Philip. When a sufficient number of witnesses had been examined, the chairman, Sir T. Fowell Buxton, proceeded to embody in his report the views with which he had started. The Under-Secretary for the Colonies induced him to soften it down,¹ but even when relieved of its most denunciatory sections it remained a remarkable document. The nation had often acknowledged in the abstract the obligations of justice towards uncivilized tribes, but it had not hesitated to invade many of the rights they held most dear. Acts of Parliament had disposed of lands without any reference to their possessors and actual occupants and without making any reserves of the proceeds of the property of the natives for their benefit. This policy had not benefited but impeded colonization: it had led to wars of expulsion or extermination against natives who might have been 'profitable workmen, good customers, and good neighbours'. The time had come for the nation to declare that, with all its desire to give encouragement to colonization, it would tolerate no violence or fraud in the process, and that it would take upon itself the defence of those who were too weak and ignorant to defend themselves. The mission of the British Empire was not to win commercial prosperity or military

¹ Macmillan, *Bantu, Boer, and Briton*, p. 162.

renown but to carry peace, good government, civilization, and Christianity to the uttermost ends of the earth. The report went on to suggest that the protection of native races should devolve upon the Executive Government and not upon any Representative Assembly; that contracts of service should be carefully controlled; that the sale of ardent spirits should be as far as possible prevented; that indulgence should be shown, so far as compatible with due regard for the lives and properties of others, towards natives offending against the law; that the acquisition of native lands by private individuals should be put a stop to; that new territories should not be acquired without the sanction of an Act of Parliament; that treaties with natives were as a rule undesirable; that the means for the religious instruction and education of the natives should be provided out of the colonial revenues; and that encouragement should be given to missions.¹

With many of the principles enunciated in this report it is impossible not to agree. Yet the committee had not seen the whole problem, but only half of it. How were these admirable principles to be put into effect? It was all very well to say that the uncivilized man must be protected from slavery or oppression and then handed over to the care of the school-master and the missionary; that 'the safety and welfare of an uncivilized race require that their relations with their more cultivated neighbours should be diminished rather than multiplied'. Those relations were bound to multiply: what was essential was that they should be controlled, and they could be controlled only by an active and impartial Government. These facts the Aborigines Committee and the Government itself understood but dimly, if at all. Cessation of work on the sugar plantations and cattle-stealing at the Cape were explained away by the low rates of wages offered, the oppressions of the planters, or the provocations of the Boers. But the decline of the West Indies and the instability of the Cape frontiers remained, and there was ruin to be seen at the end of one vista and war at the end of the other. The one-sidedness of the missionary view, and its influence

¹ *P.P.*, 1837, vii (H.C. 425), pp. 4-80. See also extract in Bell and Morrell, *op. cit.*, pp. 545-52.

with Government, indeed increased the difficulty of finding a solution of the problems of race relations. The colonist resented the fact that missionary trust in human nature extended, or appeared to extend, only to the savage and the slave; that as far as he himself was concerned it was *homo homini lupus*, and that in his honesty or humanity or wisdom no confidence was to be placed. Doubtless colonists and planters had not always acted reasonably or fairly or even honestly towards the backward races: doubtless they had failed to realize the responsibilities that lay upon them. But that the great majority of them were deliberately oppressive or unjust there is no reason to suppose. Their most common fault was rather narrow-mindedness, and narrow-mindedness was just as common upon the side of their opponents. It was right and proper to put an end to a system like slavery in which a man of one race was the mere chattel of a man of another, and to enunciate certain principles of trusteeship as the foundations of a native policy. But so long as the white colonist was regarded rather as the enemy and oppressor of the native than as a man whose co-operation should as far as possible be enlisted in his improvement, these principles were shorn of much of their power for good; and so long as the responsibility of Government was supposed to be confined to protection against oppression and encouragement of missionary effort, progress towards a positive native policy could be but small. It was not sufficient to feel strongly in these matters: feeling must take counsel of practical experience, and feeling and experience be supplemented by thought.

Our survey has revealed the main principles—colonial preference, systematic colonization, self-government stopping just short of responsible government, humanitarianism—which were dominant in 1841 in the field of colonial policy. The first was already weakening, as will be seen later; the others appeared to be firmly established. Two influential groups of men—the Colonial Reformers, and the missionary societies of Exeter Hall—regarded themselves as the appointed guardians of the principles to which they attached peculiar value; and their views had weight in Parliament.¹

¹ Undoubtedly the influence of Sir Fowell Buxton and the Exeter Hall party was

Yet although these influences and principles can be unified in thought and called 'colonial policy' there was little sign of any tendency to view the process of colonization, or the Empire which it had called into being, as a single whole, to envisage a policy in which the imperialism of Wakefield, the imperialism of Exeter Hall, and the traditional commercial imperialism transformed to suit the temper of the age, could all three find a place.

greatly weakened by an event which is not discussed in this book—the failure of the Niger expedition for 'the civilization of Africa' in 1841-2. There is a brief account of this expedition in Coupland, *Kirk on the Zambesi*, pp. 33-8.

II

PEEL: STANLEY: THE COLONIAL OFFICE

ANY such thinking out of a self-consistent colonial policy was hardly to be expected from the Ministry of Sir Robert Peel. The temperament of Peel himself and the tendency of the Conservative party were all in favour of taking problems as they came rather than of spinning theories about them or formulating general principles beforehand. Peel was a consummate man of affairs, but the famous judgement of Disraeli that 'lacking imagination, he lacked prescience' has in it more than a grain of truth. He combined, as Bagehot pointed out in his brilliant biographical study, the powers of a first-rate man with the creed of a second-rate man. 'As long as . . . questions remained the property of first-class intellects, as long as they were confined to philanthropists or speculators, as long as they were only advocated by austere, intangible Whigs, Sir Robert Peel was against them. So soon as these same measures, by the progress of time, the striving of understanding, the conversion of receptive minds, became the property of second-class intellects, Sir Robert Peel became possessed of them also.'¹ The new emigration had been going on for some years now; the new imperialism of Wakefield and the Colonial Reformers had spread rapidly among the few who were attracted to colonial affairs; but the nation was not yet converted, and Peel had no more sympathy with the Radical Colonial Reformers than he had with the enthusiasts of Exeter Hall. If he had been to school in colonial policy, it was with Huskisson, but he hardly shared those glimpses of the Imperial destiny of Britain which made Huskisson the first Imperial statesman of the nineteenth century. He was willing enough to remedy specific grievances, but unwilling to commit himself to any radical change of Imperial policy. 'We do not mean', he had said, when Prime Minister, in March 1835, 'to declare any new principle of government in the colonies: our object is to see of what it is the Canadian

¹ Bagehot, *The Character of Sir Robert Peel: Biographical Studies*, p. 7.

people complain, and then to ascertain to what extent those complaints are founded in justice.’¹ He accepted Durham’s arguments for the union of the Canadas, having all along thought it desirable to strengthen ‘the friends of British connexion’; but the arguments for responsible government left him cold. Besides, liberal though he was in intention, and amenable as he was to the educative influence of facts, there were other questions preoccupying his mind. ‘It is quite clear’, wrote Stanley, ‘that amidst all the complicated difficulties with which you will have to grapple, that which is the most pressing and essential, and on success in encountering which, will depend your prospects of dealing satisfactorily with most of the others, is the state of the finance of the country.’² The Whigs had been seen at their worst in finance, and the work of reform in this department was peculiarly congenial to Peel and was in fact what was to make his administration one of the great administrations of the century.

This concentration upon economy and commercial reform not only diverted Peel’s mind from questions of colonial policy: it biased his mind when he did attend to them. He had, indeed, too much breadth of view and too much common sense to go to extremes. He had little sympathy with Cobden’s tirades against all expenditure upon the colonies.

‘The advocates for a reduced taxation tell us’, he remarked in his Budget Speech of 1844, ‘that we ought to reduce our Colonial Empire. That is very easily said; but I believe no one whose authority is of any value will attempt to say that we can with any degree of safety disturb the relations at present subsisting between the Mother Country and the colonies, and least of all do I think that we should be induced to disturb those relations on account of the pecuniary expenditure.’³

The colonies of course depended chiefly on the navy for their defence against foreign powers, but the seemingly heavy military charges were in his opinion as light as was consistent with safety. Indeed the garrisons required

¹ *Hansard*, Third Series, vol. xxvi, pp. 699–705.

² Stanley to Peel (7 August 1841): *Peel Papers*, vol. cclxxxvii.

³ House of Commons, 29 April 1844: *Hansard*, Third Series, vol. lxxxiv, p. 405.

reinforcement in case of rebellion.¹ But the Treasury control over colonial expenditure under Peel was very strict. The public works loan guarantee which Sydenham had been authorized to promise to Canada was duly carried through by Peel, but requests from New Brunswick and Newfoundland for similar guarantees were frowned upon.² A policy of severe retrenchment was imposed upon South Australia and New Zealand, and only grudgingly was it admitted that to administer a new colony out of its current revenue was not the easiest thing in the world. The vehement protests of New South Wales and Van Diemen's Land that it was unjust to charge them with the police and jail expenditure passed unheeded until 1846; and the colonists of Van Diemen's Land were confronted with the awkward dilemma of paying for convicts' labour on the public works or seeing them employed in raising food for their own subsistence, to the detriment of the colonial farmers.³ In the West Indies, despite opposition from the Governors, the Parliamentary contributions to the cost of the stipendiary magistracy and of negro education were progressively reduced. Busy with his great financial experiments—for ever having to meet the attacks of Cobden and the new Cobdenite Radicals—coming more and more to believe that the old colonial system was a tribute paid by the common man in Britain to the producers in the colonies—Peel in fact regarded the Empire primarily as a liability, an addition to the burdens, heavy enough without it, of government and of defence. It is not difficult to make allowances for Peel—to agree that he was right in setting a high value upon economy, and that the choice was not between a desirable and an undesirable application of funds available, but rather a question of degrees of desirability; to hold that a popular government must necessarily listen to the voice of the people. It is none the less true that a man who looked upon the Empire as a liability was unlikely to understand it.

It was Peel who laid down the framework of policy on

¹ Stanley to Grey (New Zealand) (13 June 1845): *P.P.*, 1846, xxx (H.C. 337), p. 69. Stanley to Peel (12 August 1845): *Peel Papers*, vol. cclxxxviii.

² Stanley to Colebrooke (30 November 1841): CO 189/16. Stanley to Harvey (26 March 1842): CO 195/20.

³ See below, Chap. XVI.

which his Ministry worked; he was the head of the Government in every sense of the phrase. But he was not an interfering Prime Minister and he left considerable freedom to Stanley as Colonial Secretary. He never took a hand in colonial policy except when asked, or when the question was of such moment as obviously to be a matter for the Cabinet: even then he was prepared as a rule to defer to the more intimate knowledge of the Minister. But Stanley was not the man to supply the deficiencies of Peel as an Imperial statesman. He had, indeed, had a year's experience at the Colonial Office before he left the Whigs on the question of the Irish Church in 1834. Apparently Peel offered it him rather than the Home Office as 'the more interesting and the more important of the two'.¹ Nevertheless both the offer and the acceptance were unwise—signs that the needs of the colonies were little understood by either man. Stanley, though still only forty-two, ranked, among his colleagues, next perhaps to Peel himself and Wellington in the eyes of the country; but he was not destined ever to fulfil the brilliant expectations that had once been formed of him. 'He was not', says the *Dictionary of National Biography*, 'a statesman of profoundly settled convictions or of widely constructive views. He was a man rather of intense vitality than of a great intellect, a brilliant combatant rather than a philosophic statesman.' He took many other things at least as seriously as politics—for instance sport, and scholarship—and in politics what chiefly interested him was the clash of arms in debate. 'He had a mind very much averse from the metaphysics of politics, as, indeed, of all things, and never cared or dared to argue questions back to their first principles.'² He was forceful and spasmodically energetic, but not thorough, and was 'always at the mercy of the moment's impulse, always . . . *prime-sautier*'.³ The toil of office required less showy qualities than the capacity to shine in parliamentary debate, and in office Stanley was never a real success. He was unhappy as Colonial Secretary. It gave him few opportunities of scoring off the Whigs, and this time

¹ Peel to Stanley (30 June 1844): Parker, *Sir R. Peel from his Private Papers*, vol. iii, p. 155.

² Saintsbury, *The Earl of Derby*, pp. 199–200.

³ *Ibid.*, p. 202.

there was no great measure like the Slavery Abolition Bill of 1833 to be piloted through the House of Commons. He was more at home, perhaps, when he retired to the House of Lords after the session of 1844; but in December 1845 he left a successful Ministry with a reputation by no means enhanced.¹ His office had been difficult enough, in all conscience, but he had conspicuously failed to rise to the occasion.

Temperamentally, of course, he and Peel were very much unlike. 'Lord Stanley', says Bulwer, 'was antagonistic to his chief in every propensity derived from nature, habits, and position. Reckless in his language, aristocratic in his tendencies, rather courting than avoiding contention and strife; above all, haughty and domineering in character, though gay and playful in manner, it was impossible that he should move in comfort under the shadow of a leader circumspect, sprung from the middle classes and having a certain sympathy with their thoughts and feelings, inclined to conciliate opponents, and accustomed to receive from his followers implicit obedience.'² Such differences in temperament, however, must be common in all Cabinets; and there is no evidence, despite Bulwer and despite the rumours current at the time, that this one precluded a cordial co-operation between the two men, so long as there was no serious divergence of policy. Stanley, indeed, clearly had a frank and generous respect for the superior experience and political wisdom of his leader. Peel virtually admitted to Gladstone afterwards that he did not think Stanley had been happy in his management of the highly controversial New Zealand question;³ but in general their views of the practical policy to be adopted in the colonies seem to have coincided until there came the fundamental changes in commercial policy which led to Stanley's resignation.

Yet in the last analysis Peel and Stanley held very different views about the Empire, and when the breach came it was very much the result of this difference of view. Stanley's

¹ His successor was Gladstone, whose term of office (till June 1846) was so short that he had little opportunity of developing a policy of his own. References will be found to his policy below, especially in Chapter VIII.

² *Life of Palmerston*, vol. iii, pp. 183-4.

³ Morley, *Life of Gladstone*, vol. i, p. 220.

speeches were in fact the swan-song of the old imperialism. The colonies doubtless seemed at times a troublesome responsibility—with their struggling and complaining planters, their hopeful missionaries and missionary converts, their warlike native tribes, their grasping squatters, their factious demagogues fiercely contending for powers they ought not to have and principles they did not understand. But he liked to forget the harassed administrator in the orator, to whom the Empire meant glory, commercial advantage, political and military power—a priceless heritage from the past and the foundation of England's greatness, which could not be abandoned or weakened without dishonour and loss. Unfortunately, these fine phrases concealed a lack of understanding more profound than Peel's. Stanley never penetrated far beneath the surface of Imperial problems, and his mind seemed closed to new ideas. There is perhaps one exception to be made to this statement. The idea of systematic colonization made some appeal to him—perhaps because there was about it something grand and spacious and yet something which could in practice be reduced to a rule of thumb—but at the same time he realized, quite rightly, that it could not be universally applied. He made no attempt to dictate a land policy to the North American colonies, though he regretted their apparent blindness to the merits of the Wakefield plan. Anxious as he was, for more reasons than one, to see British immigrants settle there in increasing numbers, he believed that the stimulus must come from the colonies: and his discouragement of the ambitious loan schemes of Buller and Wakefield was in accord with the opinion of the Canadian Assembly. The wisdom of his colonization policy in Australia is, however, debatable: and the folly of his transportation policy can hardly be denied. He had, moreover, no belief whatever in the new-fangled notion of responsible government, and not much, it is clear, in the general principle that colonies should be given free institutions. In the colonial discussions of the thirties he had uniformly advocated a policy of firmness in Canada, and in 1837 he had urged the Ministry to throw their whole weight into the support of the loyalists—to stand up, in fact, to Papineau and Company as he had

stood up to O'Connell. It was not a very promising approach to the delicate Canadian problem of 1841: the argument that monarchical institutions were endangered by the encroachments of democracy would find in him a willing listener. Nor had he any real understanding of native policy. He did not share the enthusiasms of Exeter Hall, and was better able than his predecessors to appreciate the point of view of the planter in the West Indies or the frontier farmer at the Cape. He was at the same time a sincerely religious man: he would not give up hope of improving even such unpromising material as the aborigines of Australia, and he hotly resented what he conceived to be injustice to the natives in New Zealand. But he never grasped the fact that an active native policy, based on a frank assumption of responsibility by Government, was the only hope of transcending the opposition of interest between the backward races and the dominant planters or advancing colonists. It was his nature to dislike responsibility. He had a certain practicality, and with it the debater's power of fastening on the weak points in the cases presented to him—whether the constitutional theories of Baldwin and La Fontaine, or the claims of Australian squatters to permanency of tenure, or the native policy of the New Zealand Company—but he argued a bad case as vigorously as a good one. Colonial problems required to be handled not by a debater but by a statesman, and a statesman of broad sympathy and receptive mind. Stanley, always the aristocrat, always the amateur, had not the least understanding of the warm-blooded, eager, vigorous colonial communities. He missed the significance of most of the forces that were transforming the British Empire.¹

Meanwhile the government of the colonies had to be carried on. With a Prime Minister whose attention was elsewhere, and a Colonial Secretary whose chief anxiety was to cut a great figure in Parliament, a great deal naturally depended upon the permanent officials. This patent fact was one of the chief counts in the indictment by Wakefield

¹ Stanley's Parliamentary Under-Secretary was Mr. G. W. Hope. He had charge of West Indian immigration and had views of his own on the Cape and New Zealand, as will be seen later. He retired with Stanley and was succeeded by Lord Lyttelton.

and Buller of the colonial policy of the day. Not every Secretary of State aspired to be 'the Rupert of debate', but one had one weakness, and another another: they came and went, and the Permanent Under-Secretary and senior clerks remained. These were, Wakefield admitted, men of great ability—or rather of 'great diligence, a perfect command over the elements of order, and an intimate knowledge of forms, precedents, and past transactions'.¹ Their very efficiency led them, in the words of the Durham Report, 'not only at the outset, to instruct a Governor as to the general policy which he was to carry into effect, but to direct him from time to time, by instructions sometimes very precise, as to the course which he was to pursue, in every important particular of his administration'²—and this despite their total lack of local knowledge. The abler the Governor, Wakefield alleged, the more likely he was to be recalled.³ Parliament and the public were ignorant and indifferent about colonial affairs: some dispatches were laid before them but many remained unpublished: 'I suspect', says Wakefield with characteristic confidence, 'that not less than nine-tenths would appear in the latter class.'⁴ The Colonial Office was able, therefore, to work in the dark. 'In some back room, whether in the attic or in what story we know not, you will find all the Mother Country which really exercises supremacy, and really maintains connexion with the vast and widely scattered colonies of Britain.'⁵ Having no public opinion to sustain it in doing right and prevent it from doing wrong, it was unable to resist continuous pressure from interested cliques or associations.⁶ The system, in short, bred faction, stagnation, and expense; and it only worked at all 'by means of the English energy which it depresses, of the self-reliance which it cannot destroy, of the fortitude which resists it; and finally by means of the national institutions and sentiments to which it is wholly antagonist'.⁷

¹ Wakefield, *View of the Art of Colonization* (ed. Collier), p. 235. This was written in 1849, but Wakefield's views had always been the same.

² *Report* (ed. Lucas), vol. ii, pp. 101-2.

³ Wakefield, *op. cit.*, p. 254.

⁴ Wakefield, *op. cit.*, p. 250. Cf. also Robert Lowe: Patchett Martin, *Life and Letters of Lord Sherbrooke*, vol. i, p. 257.

⁵ Buller, *Responsible Government for Colonies* (ed. Wrong), p. 146.

⁶ *Ibid.*, pp. 155-8.

⁷ Wakefield, *op. cit.*, pp. 257-9.

These sneers and criticisms were in general most unjust. The Englishman, of course, is always suspicious of officials and their offices: he dislikes the theories of indoor statesmen and prefers the observation and experience, as he prefers the open-air life, of 'the man on the spot'. Yet 'men on the spot' do not of themselves suffice to make an Empire: they must administer the several colonies, but an Empire requires an office at the centre to maintain some kind of unity in the main lines of administration and policy.¹ It is true that the Colonial Office was overburdened with work; that some at least of the clerks owed their appointment to personal claims rather than to capacity;² that jealousies arose if an able junior was promoted without regard to seniority. It is clear, reading between the lines of his book *The Statesman*, that Henry Taylor for one regretted that the Office was kept so busy with day-to-day administration that it had no time to devise far-sighted policies.³ But there can be no doubt that the Colonial Office was animated by a genuine public spirit and sense of responsibility. That its constitutional responsibility to Parliament was rather nominal than real is true enough: the difficulty was that it was neither completely trusted nor effectively controlled. It was the absence of effective control that gave a sinister appearance to perfectly natural consultation of such bodies as the missionary societies, the West India Committee, and the New Zealand Company: and the imputation of subserviency to irresponsible influences came strangely from the Wakefield party, who aspired to supply the ideas to the Colonial Office and denounced it when it would not listen. On the other hand, when Parliament did interfere, whether directly or by means of Parliamentary Committees, its attitude was at least as likely to be biased by some special interest as to be governed by the interest of the nation. The charge that the Colonial Office preferred to work in the dark is at least misleading. There was of course private correspondence between the Governors and the Secretary of State or sometimes the senior clerks: but the great mass of the correspondence was conducted by

¹ Cf. Report of Hon. E. F. L. Wood on the West Indies: *P.P.*, 1922, xvi (Cmd. 1671), p. 37.

² Stephen to Grey (31 January 1850): *Howick Papers*.

³ Taylor, *The Statesman* (ed. Laski), pp. 97-118.

the numbered series of dispatches which were laid before Parliament if Parliament asked for them—as it seldom did.¹ There is no sign of any desire to withhold even confidential dispatches without some very good reason, and only in the case of Canada was the confidential correspondence really the most important. Cornwall Lewis indeed suggested in 1840 that an Annual Report should be presented to Parliament by the Secretary of State, on the model of the reports of the Poor Law Commissioners.

‘The publication of such a report would infallibly raise the Colonial Office in public estimation, by shewing its solicitude for public interests and its deference to public opinion; and would tend to dissipate those jealousies and suspicions which have their origin in an ignorance, and not a disapprobation, of its policy.’²

This interesting suggestion was approved both by Stephen and by Lord John Russell, but James Spedding, who was designated as its writer, turned aside from the colonies to Bacon, and the idea was abandoned. The new Colonial Land and Emigration Commissioners, however, made an annual report which was laid before Parliament. There were certainly delays: perhaps they were the worst feature of the administration. All financial dispatches had to be referred to the Treasury, all tariff dispatches to the Treasury or Board of Trade,³ all convict dispatches to the Home Office, all land and emigration dispatches to the Commissioners. Colonial business formed but a small part of the work of such a department as the Treasury: hence its ‘almost incredible dilatoriness’, as Stephen once termed it, and hence too, at times, a lack of allowance for colonial conditions which caused further consultations and further delays. But the principles of the Circumlocution Office never had a more bitter enemy than James Stephen. The charge that the Colonial Office attempted to dictate policies to the man on the spot is also exaggerated. He may at times have been wrongly overruled; but a man like Gipps or Metcalfe—to say nothing of Sydenham—was left as far as possible free.

¹ In the years 1846–52 Parliament took decidedly more interest in these matters: see below, Chapter XIX.

² Memo. of Cornwall Lewis (January 1840): CO 318/151.

³ All Colonial Acts also went to the Board of Trade for final report, but this had become somewhat of a formality.

The difficulty was that the politicians—and Stanley, who appointed FitzRoy to New Zealand and Wilmot to Van Diemen's Land, not least—were still apt to choose Governors unfit for their positions. It is significant that, despite Wakefield's dictum, recalls become rarer as the quality of Governors improves. The Colonial Office in short was neither so meddlesome, nor so obstructive, nor so secretive as Wakefield would have had men believe.

The Office, moreover, numbered among its twenty odd members not a few men of exceptional ability and breadth of view. Henry Taylor, head of the West Indian Department and poet and dramatist as well, is revealed in his *Autobiography* as anything but an office hack; and his treatise on the business of governing—*The Statesman*—if a trifle sententious, is a contribution to political science of permanent value.¹ Outspoken and self-confident, apt indeed to lose interest when bold and decisive measures were not in question, he had a vigorous and independent mind: he did not, for example, share the common failing of anti-slavery men and cherish sentimental illusions about the negroes. Spedding was also a man of mark, but he was only in the Office from 1835 to 1841. T. W. C. Murdoch returned to the Office in 1842 as précis-writer, after being Civil Secretary successively to Sydenham and Bagot, with a deserved reputation for business capacity, liberality of view, and soundness of judgement. T. F. Elliot, the Chairman of the Colonial Land and Emigration Board, who had a separate office in Park Street, had likewise served in Canada, as Secretary to the 1835 Commission: he too was a man of high capacity, with a clear head and vigorous, if sometimes sarcastic, pen. But above them all towered Stephen, who had been Counsel to the Colonial Department since 1813, and since 1836 its permanent head. He was one of the most remarkable men of his generation; and 'for more than twenty-five years, during short tenures of strong Secretaries of State, and entire tenures, whether long or short, of some who were not strong, he, more than any other man, virtually governed the Colonial Empire.'²

¹ It has recently been reprinted with an introductory essay by H. J. Laski.

² Taylor to Granville (7 December 1869): *Autobiography of Sir Henry Taylor*, vol. ii, p. 301.

Stephen was a deeply religious, sensitive, introspective man with 'a morbidly vivid perception of possible evils and remote dangers'.¹ Was he then timid and conservative, clinging to forms and precedents? By no means. 'Beneath this sensitive nature lay an energetic and even impetuous character, and an intellect singularly clear, subtle and decisive.'² He was a man of immense powers of work and untiring devotion to duty; but he possessed in a high degree what the mere bureaucrat lacks, a penetrating insight into human nature. So long as he influenced its destinies the second British Empire was certainly not 'an Empire without a philosophy':³ and he was a philosopher with a rare capacity for affairs.

What was Stephen's philosophy of Empire? In the first place, brought up in Wilberforce's 'Clapham Sect', the son of a barrister of St. Kitts who had been stirred to the very depths by the evils of slavery, he sympathized profoundly with the humanitarians: and he had in fact by his influence in the Colonial Office been one of the principal agents of abolition. Slavery was now abolished, and Stephen was on the whole well satisfied with the result;⁴ the economic difficulties were more than compensated by the moral gain. He admitted that the plantation negroes were disinclined to work and had their deficiencies in morals and education; but they were no worse than other men, and 'more docile, amiable, and honest than the average'.⁵ The planters were not to be heedlessly condemned. If they had not fulfilled their duties towards the negroes it was due to no peculiar wickedness on their part: 'the English Statute Book from one end to the other shows the influence of self-love and self-interest on the law-giver'.⁶ It would indeed be wise, now that the great abuse had been set right, to secure their co-operation. But on general Christian principles Stephen preferred a society in which the poor were not wholly at the

¹ Leslie Stephen, *Life of Sir James Fitzjames Stephen*, p. 51.

² Ibid., p. 52.

³ Zimmern, *The Third British Empire*, p. 13.

⁴ He thought that in Jamaica at least the tendency was towards the establishment of a theocracy by the Baptist missionaries: Minute of 18 June 1840 quoted by Knaplund in *Journal of Modern History*, vol. i, No. 1, p. 55.

⁵ Minute (14 April 1846): CO 167/267: No. 594.

⁶ Minute (15 September 1841): Bell and Morrell, op. cit., pp. 418-21.

mercy of the rich. He had hardly so optimistic a view of the Kaffir tribesman as of the liberated slave, and he admitted that the treaty system now in vogue in South Africa was by no means without its evils; but it was preferable to the former system, and it was better to err on the side of the weaker race. It was impossible to make native races so formidable to Europeans as to extort respect for their rights, and it was impossible to stop Europeans from settling in their neighbourhood. There was no simple solution of the frontier problems thence arising. Native wars, undertaken with the view of rescuing frontier settlers from the consequences of their own improvidence, certainly brought a solution no nearer. They were likely to lead to extensions of territory; the same problem would arise again; and, deeply as Stephen felt the responsibility of Great Britain for the native races under her rule, he did not approve of adding to difficulties which were already overwhelming. His sympathy with races he believed to be oppressed was apt to blind him to their defects, but he looked on rather in sorrow than in anger at the encroachments of the white man, and he was filled with disgust by the exaggerations, the fanaticism, the coarse and vulgar invective of many of the minions of Exeter Hall. His dislike of new responsibilities closed to him the best avenue of approach to a real solution of the problems of race contact, but he saw farther and deeper than most of the humanitarians.

Nor was Stephen out of sympathy, as the Colonial Reformers often alleged, with the idea that the mission of England was to be a mother of nations. The tragedy was that Wakefield and Stephen, the two men who left perhaps the deepest mark upon the colonial policy of their day, were quite incapable of appreciating each other's merits. A little experience of Wakefield was enough for Stephen. As he wrote to Howick:

'I saw plainly that the choice before me was that of having Mr. Wakefield for an official acquaintance whose want of truth and honour would render him most formidable in that capacity or for an enemy whose hostility was to be unabated. I deliberately preferred his enmity to his acquaintanceship; and I rejoice that I did so.'¹

¹ Stephen to Howick (16 June 1845): *Howick Papers*.

He had no more confidence in Wakefield the theorist than in Wakefield the man. His theory might embody some truth, but as a whole it was merely 'ignorance taking the airs of philosophy'.¹ To sell land was well enough, though Stephen believed that the evils of free grants to the poor had been greatly exaggerated. But to propose to tax land was absurd: 'a man must know but little of the character or history of Colonists who believes that any such rent would be paid, or that they would endure any process of Law to enforce the collection of it'.² In any case, said Stephen, it was 'very bad policy to place on the English Statute Book a series of rules for regulating the sale of lands at the Antipodes'.³ Colonization, moreover, being a natural process, was of necessity slow and laborious. Disappointment, reaction, and complaint were inevitable in the first few years of any colony. To talk of colonization as an art that had been lost since the time of the first colonies in America was arrant nonsense.

'Their rise compared with that of the Australian colonies was so slow, and their miseries so great, that if Sir William Molesworth had a similar tale to tell of any of our actual colonies even his long hair would stand on end at the recital.'⁴

The promotion of colonization, indeed, was not the business of Government.

'Colonization Companies in good hands would be the best possible instruments for effecting as far as it can be effected the end in view. . . . In plain terms, there is need of men who can and will practise all the coarse arts of puffing and recruiting with no personal or official dignity to compromise, but gifted with all the hardihood and effrontery of commercial enterprize.'⁵

But Stephen believed as firmly as any Wakefieldian that the colonies were invaluable to the people of England 'as an asylum for their own surplus numbers':⁶ and he realized as fully the importance of colonizing with the right materials.

¹ Minute on Gawler to Stephen (3 May 1841): CO 13/20.

² Minute (14 July 1832): Bell and Morrell, *op. cit.*, p. 203.

³ Minute (4 February 1847): CO 201/369: No. 284.

⁴ Stephen to Grey (14 March 1850): *Howick Papers*.

⁵ Minute on Letter of certain Bankers, Shipowners, Merchants, Manufacturers and others to Lord John Russell (23 March 1841): CO 201/315.

⁶ Notes on Minute of Lord Grey (January 1850): *Howick Papers*.

The introduction of coolies into Australia would entail economic injustice and grave racial complications. The transportation system was a heavy handicap enough: 'to colonize with convicts is to sow the seed of crime, misery, and waste, and although necessity may drive us to pursue that course, necessity will also compel us to reap as we have sown.'¹

It is grossly unfair to call such a man an enemy of colonization. He was not anxious, as Wakefield was, to hurry the process: he 'never could perceive the wisdom of the eagerness for "developing the resources" of all parts of the world with which we happen to be connected'.² He did not believe, as Wakefield did, that it was possible to control it. That a colonizing age should produce a Wakefield was natural enough: the Empire needed such a man, for he could influence opinion, as Stephen never could: but if Wakefield had more original genius, Stephen had more wisdom and understanding.

The development of colonial self-government was also, in Stephen's eyes, essentially a natural growth.

'I doubt,' he wrote, 'the Theory of the Minerva birth of States. They must pass through infancy and youth to manhood. And power rightfully maintained at the first, self-love and self-interest frequently make the Metropolis reluctant to forego. She despises and undervalues—at last she wakes, trembles, and yields.'³

He realized the human weaknesses of Governors—their desire to make a name, their tendency in taking action to forget its repercussions upon Parliament and public opinion in England—but as a general rule he believed in trusting the men on the spot, and still more did he believe in trusting colonial opinion where there was one worthy of the name. Not that he had any more confidence in democracy than most of his contemporaries. The form of constitution he thought best was the traditional Governor, Council, and Assembly of the old American colonies: Stanley's mixed Chambers, as tried in Newfoundland and New South Wales, he regarded as useless, and likely to promote rather than check democracy. Knowing as he did how difficult it was to control an elected

¹ Minute (24 September 1845): CO 206/62.

² Minute (20 June 1846): CO 295/151: No. 1180.

³ Notes on Minute of Lord Grey (January 1850): *Howick Papers*.

Assembly, he yet hoped that it might be possible to counteract the predominance of the demagogues of the capital by a system of local self-government, and to institute colonial orders of knighthood and thereby create an aristocracy in the colonies. Contests with colonial legislatures, and above all contests on finance, should be avoided, for they almost always terminated in the defeat of the Imperial Government. What of responsible government? Stephen viewed with sympathy the reasoning of Lord John Russell and later of Lord Metcalfe: he had the administrator's distrust of conceding principles, which were matters for the Professor and the man of letters, and not for him: but that is not to say that he approved of fighting responsible government to the last ditch. His view was that, if clearly desired, it should be tacitly acquiesced in.¹ Colonies such as the Cape and New Zealand, however, stood on a different footing from the colonies of North America. There British authority could not be withdrawn, and responsible government conceded, without grave risk of racial war.²

What was the end of this process of development? The transformation of a colony into a distinct, it might almost be said an independent, State. And though Stephen pessimistically noted in his diary that Elgin's appointment to Canada in 1846 was not unlikely to be the last one ever made,³ by 1850 the serener atmosphere of retirement, and perhaps the success of Elgin's policy, had induced a more hopeful view.

"The course taken with Canada . . . was the only right course. It was that of cheerfully relaxing, one after another, the bonds of authority, as soon as the colony itself clearly desired that relaxation—so substituting a federal for a colonial relation, the change being real, not nominal—no national pride wounded, or national greatness diminished, or national duty abandoned. It remains for the Canadians to cut the last cable which anchors them to us. But it is for them, not for us, to take that step, and to assume the consequent responsibility."⁴

He was hopeful because he believed that the connexion

¹ Minute (17 February 1847): CO 217/196. See also Minute (27 March 1845): CO 217/189: No. 233, and Notes on Minute of Lord Grey: *Howick Papers*.

² Notes on Minute of Lord Grey (January 1850): loc. cit.

³ Leslie Stephen, *op. cit.*, p. 49.

⁴ *The First Sir James Stephen: Letters with Biographical Notes*, pp. 143-4.

with England was of real advantage to the colonies, that whilst meddlesome interference would not be borne, 'much prudent guidance and counsel' might be given, 'and ultimately gratefully acknowledged'.¹ The criticism of the Colonial Office as hostile to colonial self-government he dismissed as 'merely absurd'. As he wrote to Lord Grey:

'There is no longer a man to be found who dissents from the opinion, which thirty-five years ago no man ever assented to—the opinion that the intervention of the British Government in the local affairs of a colony is an inconvenience to be avoided by every concession and arrangement which would not evidently induce some still greater mischief.'²

Though the gradual transformation of the Empire was a natural and inevitable process it raised many complicated and difficult problems.

'It must be more than human wisdom which, keeping pace with all these rapid shiftings of opinion, of system, and of law, can so adjust the measures of a remote Government to them all, as to convince the persons more immediately concerned that they are the best practicable though not perhaps the best conceivable measures.'³

It is not surprising that Stephen, whilst he believed it to be Britain's destiny to give birth to new States in other lands, should in these matters be something of a Malthusian. Already many of the colonies were merely 'wretched burdens to this country, which in an evil hour we assumed, but which we have no right to lay down again'.⁴

'To find a good system of government for them was in fact an insoluble problem. For not finding the solution of it the Colonial Office has sustained much reproach, belonging far more justly to the original authors of the difficulty.'⁵

Colonies should not be multiplied beyond the means of administration. If, in short, imperialism is something aggressive, a scramble for the unoccupied portions of the world, then James Stephen was an anti-imperialist. He did not want to make the Empire bigger—though in one case at

¹ Notes on Minute of Lord Grey (January 1850): *Howick Papers*.

² Stephen to Grey (15 January 1850): *ibid*.

³ *Ibid*.

⁴ *The First Sir James Stephen*, p. 144.

⁵ Memorandum (December 1848): Bell and Morrell, *op. cit.*, pp. 116–18.

least, that of New Zealand, he was ready to admit that this was inevitable. But he did want to keep the Empire together, in England's interests and in the interests of peace and order in the world. This was an object well worth some sacrifice on England's part. He entertained 'an indescribable contempt' for those who thought the question could be settled according to the balance-sheet: this would be nothing less than 'a sacrifice of the soul to the body'.¹ England should accept her imperial responsibilities, and it was in that spirit that the Colonial Office should administer the Empire. To find a colonial policy satisfactory to all parties, however, was in Stephen's view impossible.

It was not during Stanley's régime that Stephen's influence reached its highest point, though it sometimes suited the book of the Colonial Reformers to say so.² In some office business—West Indian immigration and correspondence with the New Zealand Company—Stephen had no share. In questions of commercial policy he perhaps did not count for a great deal: and it may be, though there is little evidence one way or the other, that Stanley kept the question of Canadian self-government mainly in his own hands. In matters of colonization Stanley was more of a Wakefieldian, in matters of government more of an authoritarian. More than one instance of differences of opinion will be found in the following pages. But they will be few in number compared with those matters—trifling often in themselves, but important in the mass—in which Lord Stanley 'concurred with Mr. Stephen'. No Minister, however able, however wilful and independent, could fail to allow great weight to his wisdom, his experience, and his knowledge. Yet, on the other hand, no permanent official, however gifted or experienced or wise, could quite command authority sufficient to give England what his superiors seemed unable to give it—a colonial policy.³

¹ Notes on Minute of Lord Grey (January 1850): *Howick Papers*.

² *The Spectator*, 22 June 1844.

³ There is an article on Stephen by Professor Knaplund in the *Journal of Modern History* (Chicago), vol. i, No. 1.

III

BRITISH SUPREMACY AND COLONIAL SELF-GOVERNMENT IN NORTH AMERICA

IT was hardly possible for an English statesman in 1841, whether or not particularly interested in colonial affairs, to ignore the importance of what was happening in the North American colonies, and particularly in Canada. Lord Sydenham, in full accord with Lord John Russell, had first, in the face of great difficulties, carried into effect the Union of the Canadas, and had then begun the second and more difficult part of his task—that of giving the Canadians a real voice in the control of their own affairs without conceding the demand for responsible government. His position was clear enough. The Governor must select as his advisers ‘men whose principles and feelings were in accordance with the majority’, and must administer all merely local matters in agreement with the wishes of the Legislature; but it was inconceivable that the Executive Council should be responsible to any one but the Governor for advice tendered to him.¹ If the old days of irresponsible oligarchy were gone for ever, that was no reason why the Governor should be a mere *roi fainéant*, devolving upon a council the conduct of the business of the country.

This was easily said, but how were these principles to be put into practice? The answer, said Sydenham, was, by personal influence and by the diversion of men’s minds from theories of government to more practical and tangible things. There was, after all, no real party organization with accepted leaders and coherent programmes; and the Governor-General, at his first general election, ‘set to work to build up, out of moderate men drawn from all groups, a party of compromise and good sense to support him and his Ministry.’² On the eve of the session he broke with the leading advocate of responsible government, Robert Baldwin.³ Baldwin had

¹ Poulett Thomson to Russell (15 December 1839): quoted by Shortt, *Lord Sydenham*, p. 224.

² Morison, *British Supremacy and Canadian Self-Government*, p. 88.

³ On this episode see Chester Martin, *Empire and Commonwealth*, pp. 256–60.

accepted office, with some reluctance, on account of his confidence in Lord Sydenham personally, and of his belief that government in accordance with the wishes of the majority must soon develop into party government: he had now established, as a result of conversations with the French Canadian leaders initiated by Francis Hincks, a point of contact between them and the Upper Canada Reformers, and demanded that the French should be admitted to the Council and the Conservatives dismissed. Baldwin was soon undeceived. His ultimatum was treated as a letter of resignation, and Sydenham went gaily on with his work, consigning Baldwin to political perdition as 'the most crotchety impracticable enthusiast I ever had to deal with'.¹ Despite the Baldwin affair, a number of the Reformers, chief among them Hincks, agreed with Sydenham's own view that measures were what mattered and gave him general support; and he carried through most of his sessional programme. His great prestige and his skill in all the ways and means of parliamentary management counted for much, but the merits of his programme counted for much too. Of his Bills the most important was one extending to the whole province the system of local self-government he had already set up, before the Union, in Lower Canada; but the measure which won him most friends was one of another kind. He had found Upper Canada on the verge of bankruptcy. Canals and other ambitious works had been begun; provincial credit had been unequal to the task of completing them; and there they lay, bringing in little or no return and gradually going to rack and ruin. Yet everything depended on them—not only the progress of trade and settlement but the absorption of immigrants; for on public works new arrivals 'can be sure of employment—may save money—become accustomed to the country, climate, and hardships of bush life, and eventually provide for themselves as settlers'.² Before he left England the Governor-General had been provided by the Ministry with a trump card for

¹ Sydenham to Russell (12 June 1841): *Russell Papers*. Sydenham was not aware of the background of Baldwin's action.

² Private Letter of Sydenham (23 November 1840): Poulett Scrope, *Life of Lord Sydenham*, pp. 208–9.

use in case of need, in the shape of an Imperial guarantee of a loan of £1,500,000 for the purpose of diminishing the interest on the Upper Canada debt and continuing the public works.¹ The restoration of tranquillity and the vigour of Lord Sydenham's government had already produced an improvement, and this guarantee, announced in his opening address to the Assembly of United Canada, was the final proof that he had the interests of the province at heart. No wonder a practical politician like Hincks found it impossible to withhold support from such an admirable combination of the statesman and the man of business! At the same time, by his Bill establishing a Board of Works, and by other measures, Sydenham showed himself determined that the money should not be squandered by wholesale jobbery. He was no mere wizard, but a very practical good fairy.

Yet with all his devotion to the material welfare of the province, Sydenham could not entirely divert the attention of the Assembly from the subject of responsible government. There were debates early in the session, and later on Baldwin brought forward a series of resolutions. The Governor-General felt obliged to counter them by allowing one of his Ministers, Harrison, to bring forward a rival set, which were duly carried. And these resolutions went no little distance along the road. It was resolved (on 3 September 1841)

‘that the head of the Executive Government of this Province, being, within the limits of his Government, the representative of the Sovereign is responsible to the Imperial authority alone, but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel and information, of subordinate officers in the Province. That in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare and good government of the Province the chief advisers of the representative of the Sovereign, constituting a Provincial administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated.’²

¹ Cabinet Minute (21 August 1839): *Russell Papers*.

² Kennedy, *Documents of the Canadian Constitution*, pp. 564-5.

Under a Governor-General of Sydenham's activity and political abilities this doubtless meant personal government. The resolutions did not assert in so many words the responsibility of his Council for advice tendered to him; and indeed Sydenham carefully avoided an exact definition of the respective spheres of influence of the Assembly, the Council, and the Crown, though the turn of the phrases shows that he meant the word 'subordinate' to correspond to the reality. It was, however, admitted that the Ministry must resign on a vote of no confidence. The day after these resolutions were voted Sydenham fell from his horse. A fortnight later he was dead. In spite of his success it was clear that political stability was not yet assured. What manner of man should be chosen to follow him?

Sydenham had been intending to come home that autumn and had asked Russell to send out 'some one with House of Commons and Ministerial habits—a person who will not shrink from work, and who will govern, as I do, *himself*'.¹ Russell showed Stanley the letter. The Colonial Reformers, who felt that their reputation was involved in the success of the Canadian experiment, took a hand, and Charles Buller wrote a long and earnest letter to the Prime Minister reviewing the task that lay before the new Governor-General and the qualities required for its fulfilment.² The name of Lord Eliot, who had taken an interest in Wakefield's New Zealand schemes, had been suggested by Buller, and had occurred also to Peel and Stanley; but Peel decided that he needed him in Ireland. The choice fell on Sir Charles Bagot, a man of much diplomatic experience, and as Peel explained to Buller, one of the most popular Ambassadors ever accredited to the United States.³ Of House of Commons experience he had little, and his sympathies were with the society that was passing away, just as much as those of Sydenham, for all his social gifts, were with the age of railways and manufactures and political economy. But the Ministry had chosen better than they knew.

¹ Sydenham to Russell (27 June 1841): Poulett Scrope, *op. cit.*, p. 245.

² Buller to Peel (9 September 1841). Reprinted in *Canadian Historical Review* vol. viii, No. 1, pp. 42–5.

³ Peel to Buller (10 September 1841): *ibid.*, pp. 45–6.

Buller's letter had rightly insisted that the key to the situation was the position of the French.

'We have put down their rebellion, destroyed their nationality, and in doing this reduced them to a miserable state of social subjection. The Governor that would raise them up to a social equality by mere justice and kindness would make them the instruments instead of the enemies of Government. The French Canadians if rightly managed are the natural instrument, by which the Government could keep in check the democratic and American tendencies of Upper Canada.'¹

Sydenham had no desire to crush them by violence or injustice, but he shared Durham's low opinion of them as a people. 'The French Canadians', he had written, 'have forgotten nothing and learnt nothing by the rebellion and the suspension of the constitution, and are more unfit for representative government than they were in 1791 when they desired not to have it imposed on them.'² He governed the province without them, condemned and ridiculed Baldwin's attempt to bring them into the Government, and clearly regarded it as a necessary and desirable consequence of Union that they should in the end be absorbed in the more progressive race.³ They in their turn, ascribing no doubt to Sydenham a sympathy with the 'British Ascendancy' party which he did not really feel, viewed the whole Union policy with deep distrust. Yet in the long run it was impossible to govern Canada without them. They formed, as their English fellow-citizens did not, one solid *bloc* 'settled in a compact territory, united by a common tongue, by common social customs and by a common church, the organization of which afforded a rallying-point and shelter for nationalist aspiration'.⁴ Fortunately Hincks, the ablest of the Upper Canada Reformers, had sized up the situation. 'I wish we could convince you', he wrote to La Fontaine as early as April 1839, 'that a really responsible Executive Council would accomplish all that we want. . . . As to the Union question, you should not mind Lord D.'s motives, but the

¹ Loc. cit.

² Sydenham to Russell (26 February 1841) (Confidential): CO 42/477.

³ Poulett Scrope, op. cit., p. 293.

⁴ Skelton, *Life and Times of Sir A. T. Galt*, p. 160.

effect of the scheme.' ¹ In time Hincks's persuasiveness had its effect upon the clear and vigorous mind of La Fontaine, and he grasped the fact that by co-operation with Baldwin and Hincks the Union, which had arisen out of the fear of French predominance, might be used to give the French, for the first time, a decisive voice in their own affairs.

Peel and Stanley appreciated the necessity of conciliating the French, but failed to realize that conciliation by itself was not enough. Sir Charles Bagot was to 'know no distinctions of national origin or religious creed'; but in other respects his instructions went no farther than Sydenham had gone, if indeed as far. Bagot was to follow Sydenham's example and divert the Legislature and the population generally from abstract and theoretical discussions to the consideration of measures of practical improvement. The only passports to his favour were to be loyalty to the Queen, attachment to British connexion, and an efficient and faithful discharge of public duty; and he was to endeavour to avail himself of the advice and services of the ablest men, without reference to distinctions of local party, which he was to do his utmost to discourage. These phrases, whatever they meant, certainly did not mean responsible government. A 'loyalist' interpretation of them might exclude from power men like Baldwin and La Fontaine and thus nullify the instructions to know no distinctions of party or of nationality. Finally, the possibility of disagreements between the Governor-General and the majority of the Assembly, which Russell and Sydenham had always kept in the background, was dragged into the light of day. Respect was to be shown to the Assembly, but it was made clear that the Governor-General was not to yield. Yet in all seriousness the instructions concluded with a pious hope for the prosperity and contentment of the Canadians 'in the rational enjoyment of a free and essentially British constitution'. ²

Bagot's reports were at first optimistic. He believed that his present Council, combining as it did representatives of several shades of opinion, was based on the right principle.

¹ Chester Martin, *op. cit.*, pp. 257-8.

² Stanley to Bagot (8 October 1841): CO 43/36. Extracts are printed in Bell and Morrell, *op. cit.*, pp. 44-7.

He induced French Canadians to accept certain legal appointments, and was inclined to believe that, now that Sydenham had disappeared from the scene, they would fulfil Stanley's expectations and ally themselves with the Government.¹ The hopeful mood, however, did not last long. Lord Stanley approved in the abstract of conciliating the French, but he liked it less when it came, for instance, to the concrete proposal that Viger, one of the leaders of 1837, should be appointed to the Legislative Council.

'While the ultra-loyal party are studiously and properly kept in the background, and while I desire that you should conduct your government with perfect impartiality, I cannot consent to confer a mark of distinction on one who was among the foremost in the ranks of disaffection, and who still retains, so far as I know, all his former views and opinions.'²

Then there was the question of the civil list. An address for the repeal of these clauses of the Union Act had only been postponed last session and was certain to be brought forward again. Were all changes in the civil list to be resisted on principle? On such a question the Government might not be able to count even on those who habitually voted in its support.³ Yes, replied Stanley, the civil list had been fixed after mature consideration: it was one of the most essential parts of the Act of Union: the Government were determined to maintain it. After all its purpose was merely 'the support of those absolutely essential portions of the public service relating to the Civil Government and the administration of justice, to which, if any semblance of monarchical institutions is to be maintained, it is necessary to give a greater character of permanence and stability than they could possess, if dependent for their existence upon the annual appropriations of a popularly elected Assembly.'

The British possessions in North America were maintained at no light cost, and greatly increased the risk of war between Great Britain and the United States: for them she consented to fetter her freedom of trade with the nations of the world. The connexion was worth while only if the Canadians in

¹ Bagot to Stanley (23 February 1842) (Confidential): CO 42/489.

² Stanley to Bagot (1 April 1842) (Confidential): CO 43/144.

³ Bagot to Stanley (16 March 1842): CO 42/490.

return showed, instead of unfounded jealousy, confidence and goodwill. In Peel's words:

'If they are not with us, or if they will not cordially support and sustain those measures which we consider necessary for their good government and for the maintenance of a safe connexion with them, let us have a friendly separation while there is yet time, rather than recommence a system of bickering and squabbling on petty points.'¹

Yet, instinctively, Peel and Stanley revolted against the idea of surrendering Canada without a struggle to independence and Jacksonian democracy.

'A stream you will have to pull against, do not doubt it; but having done your best to neutralize opposition by the nature of your measures, if the stream be still against you, bend your back to your oar like a man, and above all, take none into your crew who will not bend their backs too.'²

One success Bagot scored in June. He induced Hincks to join his Government as Inspector-General or Minister of Finance. In general, however, he was coming to agree with his advisers that the right course of action was very different from what Stanley was recommending. In July both Harrison, the leader of the reforming section of his Ministry, and Draper, the leader of the Conservatives, expressed the definite opinion that to obtain a working majority in the Assembly the Government must be able to carry with it the bulk of the French Canadian members, and that the best course would be to face the facts squarely and send for La Fontaine and Baldwin. Wakefield, who was now in Canada and had a shrewd notion of the course events were taking, endeavoured to prepare English opinion for the admission of the French. Why assume that it would be the end of all things if the French were brought into the Government? It might, indeed, be possible to have a coalition of French and Upper Canada Tories; but this would drive the Reformers into the arms of the Americans.

¹ Peel to Aberdeen (16 May 1842): Parker, *Sir Robert Peel*, vol. iii, p. 389. Stanley to Bagot (27 May 1842): CO 43/144.

² Stanley to Bagot (17 May 1842): *Bagot Correspondence*: Kennedy, *The Constitution of Canada*, p. 214.

Why not form a new Council of French and Upper Canada Reformers? ¹

Stanley reviewed the prevailing tendencies with no such equanimity. If the Government with the support of the Conservatives, whom he much preferred to the 'ultra-liberals', could not command a majority, he feared the Canadas were as good as lost.

'There would be, as it seems to me . . . something not very creditable in discarding the faithful adherents of British connexion and administering the province by placing in high office such men as Lafontaine and Viger. . . . I am not prepared to carry the notion of colonial responsible government to such a length; and I cannot but recollect that we, as ministers *here*, are a responsible body, responsible to a public opinion, which in my judgement such a course would universally revolt.' ²

Peel was equally revolted by the idea of allowing the French party to impose such men upon the Governor-General, though he hoped that Bagot, by playing his cards well, might be able to take advantage of discordances among his opponents or in the last resort to retain at least some choice as to individuals. 'You may ultimately be forced to take these men,' wrote Stanley finally to Bagot; 'but do not take them till the world shall see that you are so forced, and my hope and belief is, that the necessity will never arise.' ³

But before Stanley's advice could reach Bagot, the die had been cast. The Assembly met on 8 September, and a few days later, without waiting for his Executive to be defeated, Bagot took his courage in both hands, sent for La Fontaine, and finally made him a definite offer. It was at first rejected, but Bagot convinced the French of his sincerity by causing Draper to read the letter out in the Assembly. La Fontaine now accepted: Baldwin came in with him, and Draper and three other Conservatives retired to make room for them and their associates. With this Executive Council, the Assembly by 55 votes to 5 expressed its 'unmingled

¹ *The Spectator*, 3 September 1842; Macdonnell, *Gibbon Wakefield and Canada subsequent to the Durham Mission, 1839-1842* (with which, however, cf. Chester Martin, *op. cit.*, p. 294, n. 4).

² Stanley to Peel (27 August 1842): *Peel Papers*, vol. cclxxxvii.

³ Stanley to Bagot (1 September 1842): *Bagot Correspondence*: Kennedy, *The Constitution of Canada*, p. 221.

satisfaction'. It remained for Bagot to justify these proceedings to his official superiors in England and brilliantly he did it. Why had he made such a sweeping change?

'I knew . . . that I could not hope to succeed with the French Canadians as a race, and my object was to deal with them as such, and not as a mere party in the House, unless I could secure the services of men who possessed their confidence, and who would bring to my assistance, not only their own talents, and some votes in the House of Assembly, but the goodwill and attachment of their race, and that I could not obtain such services unless I was willing to place the individuals in a position in my Council which would prevent them from feeling themselves a hopeless minority against a suspicious and adverse majority.'

What had been the effects of the change? Bagot could speak with pardonable pride:

'I have removed the main ground of discontent and distrust among the French Canadian population; I have satisfied them that the Union is capable of being administered for their happiness and advantage, and have consequently disarmed their opposition to it. I have excited among them the strongest feelings of gratitude to the Provincial Government; and if my policy be approved by Her Majesty's Government, I shall have removed their chief cause of hostility to British institutions, and have added another security for their devotion to the British Crown.'¹

The Tories were infuriated. 'The British party', said the *Montreal Gazette*, 'has been deliberately handed over to the vindictive disposition of a French mob.'² Bagot himself denied that his concessions meant a total transfer of power and patronage into the hands of the Reformers; but he did not conceal the fact that 'whether the doctrine of responsible government is openly acknowledged, or is only tacitly acquiesced in, virtually it exists.'³ What he had done was to carry to their logical conclusion Russell's policy of governing in accordance with the 'well understood wishes' of the people and Stanley's policy of conciliating the French, even though that had meant a virtual recognition both of

¹ Bagot to Stanley (26 September 1842): Bell and Morrell, op. cit., pp. 62-71.

² Leacock, Baldwin: *Lafontaine: Hincks*, p. 140.

³ Bagot to Stanley (28 October 1842): *Bagot Correspondence*: Morison, op. cit., p. 155.

the existence of political parties and of the necessity of a Council united on the main lines of policy—in composition, though not yet in powers, a Cabinet. He had seen that to make ‘loyalty to the Queen and attachment to the British connexion’ a matter of rigid formulas was not to allay and extinguish rivalries and antagonisms, but in fact to perpetuate them. Above all he had realized that the best security for Imperial interests and rights lay in the goodwill of the Canadian people.

The echoes of Bagot’s resounding stroke of policy soon reached England. The Press on the whole took a party line, the Whig and Radical papers supporting Bagot, the Conservative organs lamenting the triumph of disloyalty. The *Morning Chronicle* noted with approval that ‘the men in whom probably of all in the Province the Governor confides the least are taken by him to direct his policy because they are those in whom the people confide the most’.¹ The chief criticism among the Whigs generally was that Bagot should have awaited the defeat of his Ministry before he changed it²—a criticism made in ignorance of the circumstances. *The Times* took a preliminary shot at Mr. La Fontaine, and then opened its broadside against the Colonial Reformers and all their works.

‘That peculiar point of view in which Messrs. Roebuck and Hume delight to regard the working of representative government when exhibited in our colonies, and which places the perfection of that form of civil polity in securing to the most turbulent and the most disaffected opponents of all British influence . . . a predominant influence in the Executive of the Colony on the ground, real or alleged, of the large numbers of their turbulent and disaffected supporters—that view, we say, is one in which very few persons can be here found to sympathize.’³

And what was responsible government but that? It would end in utter chaos.

What Bagot listened for in Canada, however, was not the thunders of *The Times* but the yea or nay of the Imperial Government. It was well that the decision was not in the

¹ *Morning Chronicle*, 15 October 1842. Murdoch thought Buller the writer of the article: Glazebrook, *Sir Charles Bagot in Canada*, p. 109.

² Greville, *Journal of the Reign of Queen Victoria* (1837–1852), vol. ii, p. 117.

³ *The Times*, 18 October 1842.

hands of the Duke of Wellington, even though Lady Bagot was his niece. We can almost hear him:

'What a fool the man must have been, to act as he has done! and what stuff and nonsense he has written! and what a bother he makes about his policy and his measures, when there are no measures but rolling himself and his country in the mire!' ¹

Fortunately Peel kept his head. Whilst thinking Bagot ought to have taken the course which the Queen would take in similar circumstances, he saw that nothing could possibly be gained by disavowing him. There was no word now of making a stand at all costs. Accordingly on 2 November Stanley sent a dispatch informing Bagot that Her Majesty's Government were prepared to acquiesce in his policy. It was so worded as to convey the smallest possible amount of approbation, and privately Stanley wrote that he still thought the wisdom of Bagot's tactics not fully proven. The letter also conveyed a reminder that

'you act in concert with your Executive Council, but the ultimate decision rests with yourself, and you are recognized, not only as having an opinion, but as supreme and irresponsible, except to the Home Government, for your acts in your executive capacity.' ²

It was Stanley's interpretation of the resolutions of September 1841. In deference to the plea of necessity, Ministers had accepted men whom they believed disloyal, had acquiesced in the formation of an Executive Council from a party majority in the Assembly, had as they believed conceded all that Lord Durham himself had recommended. But party government, they could still maintain, did not mean what it meant in England: the Governor-General was still, in the full sense of the term, the Governor-General.

'Thus far, but no farther' was the watchword of Peel and Stanley. The illness and resignation of Bagot soon gave them an opportunity of appointing a Governor-General who would combine firmness and conciliation. Bagot himself, Charles Buller, the whole English political world agreed that they made a wise choice in calling out of his retirement

¹ Arbuthnot to Peel (18 October 1842): *Parker, Sir Robert Peel*, vol. iii, p. 382.

² Stanley to Bagot (3 December 1842): *Bagot Correspondence*: Morison, *op. cit.* p. 152.

Sir Charles Metcalfe—a great administrator, a great conciliator, a man of liberal views. He had freed the Indian Press: he had assuaged the animosities of Jamaica. He prepared for his task by long interviews with Stanley. When he arrived in Canada, he was not long in coming to the conclusion that it was not merely a question of yielding no more ground, but one of regaining ground that had been yielded. He denied that Sir Charles Bagot had had any intention of making his conduct and policy subservient to the views and party purposes of the Council; but his illness had had that result.¹ ‘One of my first duties’, he wrote afterwards, ‘was to resume the authority of the Governor with respect to the ordinary transaction of business, conducting the administration of the Government through the secretaries, without reference to the Council except in cases in which the law required that I should have their consent, or in which I was desirous to avail myself of their advice’.² It was, however, more than a mere question of the correct method of conducting the administration of the Government: Metcalfe and his advisers had diametrically opposite views as to the place which party should occupy in a self-governing colony.

Party government, in Metcalfe’s view, was one thing in an independent State and quite another thing in a colony.

‘In an independent State all parties must generally desire the welfare of the State. In a colony subordinate to an Imperial Government, it may happen that the predominant party is hostile in its feelings to the Mother Country, or has ulterior views inconsistent with her interests’.³

In short, in a colony all parties must be put to the test of loyalty, and Metcalfe clearly did not believe that the party actually in power could pass that test. ‘I am’, he wrote, ‘still persuaded that the firmest adherents to British connexion are the main body of the Conservative party.’ What in these circumstances was to be done?

¹ Metcalfe to Stanley (24 April 1843): Kaye, *Life of Lord Metcalfe*, vol. ii, pp. 478–9. Bagot had perhaps not fully realized that his Council had become in effect a party Council: see Glazebrook, *op. cit.*, pp. 83–7.

² Metcalfe to Stanley (26 December 1843): Kaye, *Selections from the Papers of Lord Metcalfe*, pp. 425–30.

³ Metcalfe to Stanley (5 August 1843): *ibid.*, pp. 412–20.

'If I had a fair open field I should endeavour to conciliate and bring together the good men of all parties, and to win the confidence and co-operation of the legislative bodies by measures calculated to promote the general welfare in accordance with public feeling; but fettered as I am by the necessity of acting with a Council . . . at present in possession of a decided majority in the Representative Assembly, I must in some degree forego my own inclinations in these respects, although I may still strive as a mediator to allay the bitterness of party strife.'¹

It was his duty as Governor-General as far as possible to redress the balance in favour of the loyalists, and in particular to distribute patronage as he thought fit. The evils of party patronage were clearly to be seen in the spoils system which Andrew Jackson had introduced on the other side of the border. He realized that a tug-of-war was coming, a struggle of which he admitted he could not see the end.

In this struggle Metcalfe could count on the full support of Peel and Stanley. They had given an earnest of their good intentions towards Canada by the Act of 1843 giving special privileges in the British market to Canadian corn; but they felt, with Metcalfe, that this patronage issue was one on which a firm stand must be made in defence of the rights of the Governor-General. Stanley put the matter in a nutshell in a private letter of 1 November 1843:

'This is an instrument, effective in all Governments, but peculiarly so in colonial ones; as long as you keep it in your own hands, and refuse to apply it exclusively to party purposes, it will be felt that you have really substantial power, and I think the Province will support you; but if you let your Council take this out of your hands, they will at once strengthen a party already too compact and too powerful, and tend to reduce your authority, as I doubt not they would desire, to a nullity.'²

This letter reached Metcalfe on 26 November. The storm

¹ Metcalfe to Stanley (25 April 1843): Kaye, *Selections from the Papers of Lord Metcalfe*, 407-8.

² Stanley to Metcalfe (1 November 1843): *Knowsley Papers*. Note also a Minute of Mr. Hope (15 December 1843): 'You will observe that Sir Charles has apparently been able in coming to issue with the Council to adopt completely your instructions of June 2nd': CO 42/509: No. 1327. Unfortunately this, like all the other confidential dispatches that passed between Metcalfe and Stanley, is missing. From the Registers it seems that of the Metcalfe dispatches those published by Kaye are the most important; but the Stanley dispatches are of course not included by him.

had just broken. He had been asked to pledge himself to make no appointment without taking the advice of his Council, and then to make it with a view to sustain their influence, and he had refused. All the members of the Council except Daly resigned: as Metcalfe had predicted, they declared that they had resigned not on the patronage question only, but on the whole issue of responsible government: and, by 45 to 23, they were supported by the Assembly. Metcalfe denied that the Councillors were right in putting their resignations on this broad ground, but it is clear from the very terms of his denial that the dispute centred round responsible government as interpreted by him and by the Imperial Government on the one hand and by his Canadian Ministers on the other. He had always, he said, foreseen that a rupture would mean an adverse majority in the Assembly, but hoped in the long run to overcome that difficulty without recourse to a dissolution.¹ He formed a provisional council consisting of Daly, Draper, and Viger, hoping that Viger, who apparently accepted office mainly to prevent the entire abandonment of responsible government and the recapture of power by the Conservatives,² would be able to carry with him some at any rate of the French. The Assembly was prorogued, and with a fusillade of pamphlets, manifestoes, and addresses battle was joined in the country.

Metcalfe justified his stand in his dispatches to the Colonial Office, and took every opportunity at the same time of urging his views upon the people. He steadfastly maintained that he had carried the principle of responsible government as far as it could be carried, and that he was anxious to obtain the support of a majority in the Assembly. He was willing to adhere to the resolutions of September 1841; to receive with due attention the advice of his Council; to admit the responsibility of the Council to the Provincial Parliament and people; to concede them the right to resign if they did not choose to be responsible for the acts of the Governor-General; but his late advisers had not been ready to meet him in such a reasonable spirit. They wanted to make the Governor-General 'merely an instrument for

¹ Metcalfe to Stanley (11 December 1843): CO 42/509.

² Turcotte, *Le Canada sous l'Union*, pp. 157-8.

putting the sign-manual to their dictations'.¹ Their ideas were fundamentally anti-British: they were unfit to be the advisers of the Governor of a British Colony. They could not or would not see the difference between a colony and an independent sovereign State.

'I regard their faint profession of a desire to perpetuate the connexion of this colony with the Mother Country as utterly worthless; although I do not imagine that generally they have separation as their immediate object: their present views being to establish the power of their party, and to be sustained at the expense of the British nation, but with perfect independence of its supremacy in the Government of the Province. . . . Whether my contest be with a malignant minority, or with a majority of the House of Assembly, or with the whole colony run mad, my duty must be the same. I cannot surrender Her Majesty's authority, or the supremacy of the Mother Country.'²

And Metcalfe had at least this foundation for his misgivings. The direction in which Canada was moving was not towards the British Constitution as understood at that time, but towards democracy.

Metcalfe had to admit that the 'extreme' views of his Council were shared by their party. They held fast to the central point of their doctrine.

'Ce qui ne déshonore pas la Couronne à Londres ne la déshonorera pas à Montréal. Prétendre que la puissance de la métropole en serait ébranlée et son avenir compromis est une terreur irréflectie, car une mesure qui contribue à la concorde, à l'affection des esprits, consolide l'autorité en la faisant aimer.'³

Baldwin and La Fontaine were perfectly sincere in their declarations of loyalty to the British connexion, but they differed fundamentally from Metcalfe as to the best means of preserving it. The sole result of the Governor-General's stand in defence of his own rights and what he conceived to be the rights of the Mother Country was in fact to throw him into the arms of the Conservatives. In November 1844,

¹ Answers to Addresses from the District Council of Gore and from Ottawa: Kaye, *Life of Lord Metcalfe*, vol. ii, pp. 533-5, 540.

² Metcalfe to Stanley (30 March 1844): CO 42/514.

³ *Le Courrier des États-Unis*: quoted by Gérin-Lajoie, *Dix Ans au Canada in Le Canada Français*, vol. iii, p. 13.

failing to secure by other means the majority which was now recognized to be a necessity, he dissolved the Assembly. The French remained faithful to La Fontaine; but the 'loyalty' cry, the absence of economic distress, the influence of Egerton Ryerson with the Methodists, and the direct personal appeal of the Governor-General, secured for him a precarious majority. Yet it was hardly possible to deny that it was a party majority. Metcalfe, in his disgust at the pettiness and coarseness of colonial party strife and his uncritical childlike loyalty to the Empire and the Queen, completely failed to appreciate the point of view of the Reformers; but the fate of the Empire was not involved in the battle he was fighting unless the Imperial Government foolishly identified the cause of the Empire with the cause of the Conservative party. Great Britain had to retain Canada on the Canadian terms or not at all; but given time—and the result of the elections had given them time—British statesmen would surely be realists enough to appreciate that fact.

Yet never did Great Britain more thoroughly deserve to lose Canada than in 1844: never did criticism more completely fasten on unessentials and neglect the fundamental facts. Wakefield was not a little to blame. In June 1843 he had thought Metcalfe 'somewhat disposed to administer too much with his own hand'.¹ So late as October he had feared that 'the long habit of exercising a paternal despotism makes it difficult for him to comprehend the nature and consequences of the representative system'.² Yet when the crisis came, he had completely changed his views; alleged that the whole affair was simply a clever party move to restore the diminishing prestige of Ministers; and strenuously supported the Governor-General. In his different contributions to the discussion, he scores some good debating points off Baldwin and his colleagues, but his usual capacity for seeing to the heart of things is conspicuous by its absence. Wherein lies the explanation? Hincks puts it all down to the miscarriage of a land scheme;³ and it is perhaps worthy

¹ *Colonial Gazette* Correspondent in *The Spectator*, 17 June 1843.

² Wakefield to Mangles (13 October 1843): *A View of Sir Charles Metcalfe's Government of Canada* (June 1844), p. 19.

³ *Reminiscences of Public Life*, p. 109.

of note that a far-reaching scheme for the compulsory repurchase of unimproved lands, mooted by Buller in the House of Commons in August and referred on Wakefield's motion to a Committee of the Canadian Assembly, there disappeared from sight. Be that as it may, the voice of the Colonial Reformers was not this time, as on other occasions, raised in defence of the colonial claims. It was left to Hincks in the *Morning Chronicle* to put their case; to argue that Sir Charles Metcalfe was and always had been opposed to party government, but that the only question among Canadians was as to whether the government should be carried on, as of old, through the party of the minority, or as responsible government required, through the party of the majority.¹ *The Spectator* adopted Wakefield's view that the issue had been forced, and spoke of 'losing the substance that was quietly growing up, in a fidgety attempt to force its maturity'.² *The Times* could hardly contain its joy at being able to say to the Whigs and the Durhamites 'We told you so'.

To the Ministry the issue appeared a good one on which to make a stand.

'I think the time will soon approach', writes Peel to Stanley, 'when there must be some emphatic declaration to Canada on the subject of our relations with that Province. It is a hard bargain enough to have to give every advantage of connexion with the Mother Country, and to undertake the serious responsibility and charge of providing for internal tranquillity and for defence from external attack. . . . To be met at every turn by a captious and quibbling spirit, and above all to be denied the means of well governing the Province, of ensuring the independent and respectable administration of justice and the employment of honest and efficient Civil servants, will make the connexion too onerous a burden to be borne. We shall soon have to tell these factious people there is one limit to our concessions—We will not govern you in a manner discreditable to us or injurious to you.'³

On 30 May 1844 the matter was raised in the House of Commons by Roebuck, the former agent of the French

¹ *Morning Chronicle*, 3 January, 28 February, 1844.

² *The Spectator*, 6 January 1844.

³ Peel to Stanley (2 February 1844): *Peel Papers*, vol. cclxxxviii.

Canadians. Hume was the only speaker to support him: Buller, though defending the principle of responsible government, thought it unwise to attempt to define it and on the point at issue supported the Governor-General. The chief interest of the debate therefore lies in Stanley's powerful defence of Metcalfe, which in the absence of the confidential dispatches gives the fullest available exposition of the views of the Ministry. *Pace* Professor Kennedy, the speech is more than a mere *réchauffé* of the arguments used by Russell in 1839. Stanley accepted the logic of Russell's dispatch, but approached the question from a rather different angle. He contended that Lord Durham himself had meant no more than this, that the administration of Canada should be carried on by heads of departments enjoying the confidence of the people and Legislature of Canada in the exercise of the functions of their departments. To go farther and make the Governor-General a mere machine was entirely to misinterpret responsible government. There was a difference, after all, between the institutions of an independent republic and the monarchical institutions of a British colony. 'The constitution of Canada might be formed upon the model of the constitution here; but still they could not give to it the life of the British Constitution.' The Legislative Council had not the influence which rank, station, property gave to the House of Lords: the Governor-General had not the dignity and prestige which custom and tradition conferred upon the sovereign of the United Kingdom. It rested with the Governor-General, as the representative in the colony of the Imperial Crown, to provide a check against the tyranny of a party majority. The responsibility of the Governor-General to the Crown was not a mere formality, for it is not unfair to say that underlying the whole of Stanley's speech is the assumption that Canada could not be democratic and remain at the same time British.¹

The verdict of *The Times* on the debate was that responsible government was now proved to be mere humbug. Yet in actual fact the debate was another milestone on the road that led to full responsible government. Ministers had taken

¹ *Hansard* (Third Series), vol. lxxv, pp. 38-61.

their stand on a position far more favourable to the Canadians than the original instructions to Bagot with their vague expressions of goodwill. Stanley had explicitly recognized the right of an Executive Council, responsible to the Assembly, to exercise considerable power; had not explicitly denied that such a Council might be based on party; admitted, some months afterwards, in a confidential dispatch, that the Canadian system involved a party administration in which the members were jointly as well as severally responsible.¹ The difficulty was that the colonial responsible government party was making demands which, while not really endangering any tangible Imperial interest, were challenging the current theories as to the nature of the British Constitution on the one hand, and as to the nature of the Imperial relationship on the other. Bagehot had not yet pointed out that the 'simple essence' of the constitution lay in the exercise of executive powers by a Committee of the Legislature, not in the blending of the monarchic, the aristocratic, and the democratic principle. It is rather significant that the correspondence between Peel and Stanley in 1844 is full of references to the question of instituting colonial Orders of Knighthood. They failed to realize that the Canadian Reformers were not challenging the position of the Governor-General in the spirit of democrats attacking an emblem of monarchy; that the issue as between monarchy and democracy was beside the point; and that what was being asked was simply that Canadian affairs and Canadian patronage as belonging to those affairs should rest in Canadian hands. Nor did Peel and Stanley realize that the essence of the Imperial relationship lay in the goodwill of the Canadians and in that alone. They still thought of it in terms of the commercial preferences on one side and the other, of the responsibility for defence which lay upon the Mother Country; they thought of it in terms of Imperial interests which the Governor-General was sent to Canada to guard; they thought perhaps of the legal maxim *delegatus non delegare potest*; they were obsessed with the idea that it was incumbent upon them to save Canada from democracy. They did not realize that what could not be

¹ Stanley to Colebrooke (31 March 1845) (Private and Confidential): CO 189/17.

achieved by a policy of generous concession could not be achieved at all.

Metcalfe himself had fewer illusions now as to his position. As he wrote in May 1845:

'The whole Colony must at times be regarded as a party opposed to Her Majesty's Government. If any question arises, such as that, for instance, of the Civil List, in which the interests of the Mother Country and those of the Colony may appear to be different, the great mass of the people of the Colony will be enlisted against the former. There is . . . great zeal in promoting interests exclusively colonial, and much want of it on subjects in which the colony, although vitally concerned, is involved as a portion of the British Empire.'

As for responsible government, the several parties vied with one another in putting on it their own extreme construction and in claiming supremacy for the Legislative Assembly.¹ Concessions continued to be made in the matters of an amnesty, of the substitution of a civil list voted by the Colonial Parliament for the civil list clauses of the Union Act, of the restrictions imposed by that Act on the use of the French language.² Yet Metcalfe was no more ready than before to admit that it mattered not to the Imperial Government which of the two parties prevailed: he still regarded one as the British, the other as the anti-British party.³ He attempted, however, to broaden the basis of his Government by circumventing La Fontaine and bringing in the French without him. Viger had been a broken reed: accordingly in 1845 Draper made overtures to R. E. Caron. Caron consulted La Fontaine, who, while promising to offer no opposition to an administration possessing the confidence of the majority of his fellow-countrymen, gave him little encouragement.

'It is said to you—We only wish to *join to us* some Canadians as French Canadians. From that moment those who thus enter the Ministry enter it not in consequence of a constitutional right, not by the action of the opinion of their countrymen, but only by favour, by the good pleasure of a Governor. From that moment, as we learn by experience, they are without influence—they are no longer free agents;

¹ Metcalfe to Stanley (13 May 1845): Kaye, *Papers of Lord Metcalfe*, pp. 457–62.

² It was however not until Lord Elgin's time that these concessions of principle were carried into practice.

³ Metcalfe to Stanley (13 May 1845): Kaye, *Papers of Lord Metcalfe*, pp. 457–62.

they are only instruments in the hands of the Governor, to do evil as to do good.’¹

Yet the French were dissatisfied with certain votes of the Reformers during the session of 1845, and some of their newspapers began to discuss what was afterwards called the principle of the ‘double majority’.² Hincks in later life declared that had the Lower Canadian Ministers not clung to office, a coalition of French and Conservatives might have been formed as it was formed in 1854.³ Even had such a coalition been formed, however, its formation could not have arrested the tendency towards responsible government. Metcalfe himself had noted such a tendency; and having granted that government must be based on a majority in the Assembly, and that in the circumstances that must be a party majority, the Imperial Government would certainly be faced in time again with the situation which had faced Bagot in 1842. There could be no real stability until there was an alternative government. It was impossible to govern Canada by force; and eventually the choice must be made between accepting the Reformers on their own terms and losing Canada by declining to accept them.

At the end of 1845 Metcalfe, yielding at last to the torments of disease, went home to die. In view of the Oregon crisis, Cathcart, the Commander of the Forces, was appointed as his successor. In his instructions, Gladstone, who was now Secretary of State, endeavoured with characteristic subtlety to maintain Metcalfe’s position and yet to leave room for retreat. The new Governor-General was to pay the most studious respect to the Assembly, to do his utmost to avoid collision. He might assent to all laws—‘which do not involve what is dishonourable or unjust’. He was to place a generous reliance on the loyalty of the community and of all individuals—‘until you have evidence of the reverse’. He was to avoid any systematic exclusion even of those ranged in opposition to his government; but, wherever he had an unfettered discretion, he was to prefer ‘those who are eminent in attachment to the throne of Her Majesty,

¹ La Fontaine to Caron (10 September 1845): Hincks, *op. cit.*, pp. 151–3.

² Turcotte, *Le Canada sous l’Union*, p. 184.

³ Hincks, *op. cit.*, pp. 146–7.

especially if they be likewise favourably known to you for standing aloof from political distinctions of a narrower or more questionable kind'. Her Majesty looked for the maintenance of the connexion to the free and loyal attachment of the Canadians and to the bonds of cordial goodwill and reciprocal advantage; but unreasonable demands would not be conceded under the threat of separation.¹ In the interpretation of such instructions as these, everything would depend upon the trust that might be placed in the loyalty and reasonableness of the Canadians. It is clear that Gladstone did not like the prospect of receiving back the men with whom Metcalfe had declared his inability to work. It was, indeed, doubtful whether, when it came to the point, any British Government would give up Canada rather than accept a Ministry who believed themselves to be as loyal to the Empire as any of their opponents. But it was as well that the decision should be in the hands of a man who spontaneously accepted responsible government. Who can set a limit to the possibilities of human folly?

Despite the brave show made in such documents as this, the policy of the Peel Ministry as announced in the original instructions to Bagot had been an utter failure. Their view seems to have been that the balance of advantage in the connexion of Canada and Great Britain lay with Canada, defended as she was at Imperial cost, given special privileges as she was in the markets of Great Britain. In return, they held, not only were they entitled to the decisive voice in matters of Imperial concern, but also Canada ought to be prepared to accept Imperial guidance as to the lines along which she should develop her polity. If Canada was to remain an integral part of the Empire, her constitution must be essentially British. Now the British Constitution was a monarchical one, based on a delicate balance of powers: and in Canada, where society inclined to be democratic, the balance to the popular power must be found in the Governor-General and in an independent judiciary and civil service appointed by him. Without some such counterbalancing principle, Canada would fall a victim to the excesses of democratic factions as the United States had done. A

¹ Gladstone to Cathcart (3 February 1846): CO 43/146.

judicious use of the Imperial authority, on the other hand, might secure to her the blessings of good and honest government. Let them give Canada good government, then, and let the colonists spend their time, not in valueless discussions of theoretical principles of which the working out was in any case the really important thing, but in the much more urgent business of developing their country.

For such a view there was something to be said in the abstract. Considering the history of the old New England Colonies, the recent rebellion, the crudities of Canadian politics, the general dislike and fear of democracy, it was not surprising that the Ministry should have little faith in colonial self-government. They showed, however, a lack of appreciation of the character of colonial communities and indeed of ordinary human nature. Men in new countries do in general feel more concerned about the struggle with nature than about politics. But there are questions of politics that men feel to be vital. The French Canadians felt themselves to be an oppressed and ill-used race. They may have been wrong; but they were in fact unprepared to trust any but their own leaders to give them what they deemed their due. Many Canadians of British stock felt that they too were being deprived of a right which they valued—their right to live their own lives and to govern their own country in their own way. Their grievances may have been in fact unsubstantial; they may have mistaken their real interests. But, jealous like all citizens of small and young communities of any assumption of superiority, they did not see why, if Great Britain and America governed themselves, they should take British advice on the government of their country. It might be said that what they were demanding was incompatible with the Imperial connexion, but they did not believe that, for they had no desire to break off the connexion, and that, they felt, was the essence of the matter. They did not stop to make calculations of loss and gain; they simply took the connexion as a matter of course. They were told that their principles were democratic and therefore disloyal, but they felt instinctively that they were only asking what the conditions of North American life imperatively demanded; and they noted that those who most

loudly talked of loyalty were generally those who in the past had got most out of the Imperial connexion. It was indeed true that these 'loyalists', however much they might have the ear of a Governor-General or a Secretary of State, were fighting a losing battle; the future Commonwealth of Nations could not hope to build its structure on a loyalty made up partly of anti-democratic feeling and partly of pecuniary advantage. Finally, the Canadian was told that the party system was incompatible with good government: but he found that he agreed with some men on the broader issues and differed from others, and he knew that men did the same in England and in America. No people brought up in the British tradition—and the French Canadian leaders had educated themselves in the same tradition—has ever preferred good government to self-government.

The Ministry had advanced from their original position, but they had made all their concessions reluctantly and many of them not very graciously. They had more than once threatened that if concessions were made on certain points the connexion would not be worth maintaining, but they had made concessions on most of those very points. Only if the spell in opposition from 1843 to 1848 had radically changed the views of the Reformers in Canada would Metcalfe's stand have had any real justification from the Canadian point of view. Of this there is no evidence. But the events of these few years had in some mysterious way a decided effect at home. Points had been yielded, and the connexion had none the less been maintained. Apparently it dawned upon public opinion that the only thing at all likely to endanger the connexion would be a refusal to yield further points when Canadian opinion insisted on them. When the party that Metcalfe had, amid general approval in England, denounced as impracticable and disloyal, returned to office, the change passed almost unnoticed. England had learnt something, it appeared, from the failure of Metcalfe and Stanley.

The political struggles in the other North American colonies were on a smaller scale than in Canada, and in general, during the Peel Ministry, they attracted little interest, and called for little interference, from England. Yet they are not unworthy of attention, for surely in them,

if in any colony, the Sydenham idea of a Governor-Prime Minister was likely to work. In Nova Scotia, as in Upper Canada, there had in the thirties been bitter complaints of a system in which the monopoly of political power was in the hands of a few men who, high though their character and great though their ability might be, looked down upon the mass of the people and were entirely out of touch with their needs and wishes. Discontent, however, had been inarticulate until it was voiced by an incomparable popular leader, Joseph Howe. Howe was no mere revolutionary agitator. 'He loved country and home as only your thoroughbred Tory loves them. . . . His Toryism was always in him, the deepest thing in him, and giving colour to many of his views and tastes; but, on account of the hard facts that surrounded him, he himself, perhaps, scarcely knew that it was there. . . . He clung to British precedents, he gloried in the Empire.'¹ He was the living embodiment of the truth that it was not anti-British feeling, but love of British freedom, that gave the impetus to the demand for colonial self-government. His greatest strength lay in the fact that the sturdy Nova Scotian farmers felt him to be one of themselves, and that he for his part 'never desired to be other than a tribune of the people'.² It was he who first made Nova Scotians outside Halifax conscious that they formed a community. It was his career which made it clear that such a community, once fully conscious of its individuality, must be a self-governing community.

Under Lord Glenelg certain concessions had been made to the demands of the Nova Scotia Assembly. The Executive and Legislative Councils were to be separate bodies, and if possible some members of the Assembly were to be included in the Executive. But in February 1840 Howe, dissatisfied with the manner in which these concessions were being carried into effect, carried by 30 to 12 a vote of no confidence in the Executive Council. Lord Sydenham visited Nova Scotia in July in an endeavour to solve the problem in

¹ G. M. Grant, *The late Hon. Joseph Howe: Canadian Monthly* (1875), vol. vii, pp. 381-2.

² *Ibid.*, p. 379. See also, on Howe, Chester Martin, *Empire and Commonwealth*, pp. 165 ff.

accordance with Lord John Russell's principle that the colony should be governed in harmony with the well-understood wishes of the people. Sir Colin Campbell, who had refused to give way, was transferred to Ceylon, and his place was taken by Lord Falkland, who made it his policy to have a Council representing all shades of political opinion. Howe, satisfied with his victory over the Lieutenant-Governor, thereupon entered Falkland's Government, as Baldwin had entered Sydenham's. Two other Reformers joined the Council about the same time. One of the Reform leaders, Mr. Huntington, refused his co-operation, but Howe's name counted for so much that a stable government with a considerable, if perhaps fluctuating, majority seemed assured.

But the truth was that the system of Lord Falkland, like that of his pattern Lord Sydenham, was essentially unstable. He did not, like Lord Sydenham, stand for a policy of economic development. He had not Lord Sydenham's prestige and commanding personality. He had not Lord Sydenham's 'wand'. He was temperamentally unfitted to be the Governor-Prime Minister of a democratic community. Yet Sydenham himself, with all his advantages, had not found it the easiest thing in the world to make his system work. Lord John Russell doubted whether a steady majority could be hoped for at all: 'we must not attempt to foist the most refined notions of Lord Chatham, Mr. Fox, and Mr. Burke on the settlers and traders in a Province whose history commenced less than a century ago.'¹ This was but poor consolation for a harassed Lieutenant-Governor; and to add to the irresponsibility of the Assembly there was the fact that the initiative in money votes had never been surrendered to the Government. In 1842 Falkland wrote despairingly of the Assembly's vagaries:

'The Government has been defeated in the Assembly on one or two of the most important and most necessary measures, which have been introduced this year, and yet, so far is this from being indicative of dissatisfaction, on the part of that House, with the mode in which the business of the country has been carried on, that no sooner did the members of the Executive Council intimate, that the rejection

¹ Russell to Falkland (5 April 1841) (Confidential): CO 218/32.

of Government measures might be so interpreted, than a vote of confidence in the Council as at present constituted, was proposed by a gentleman unconnected with the Provincial administration, and carried . . . by a majority of 40 to 8.¹

If the Assembly was irresponsible, the Executive for its part lacked unity. Howe was not really happy in his new role. 'Two of his defects were brusqueness of manner, and an egotism that craved the appearance as well as the reality of power. The first made him disagreeable to . . . Lord Falkland; the second made him intolerable to colleagues who disliked him from the first and regarded him as an intruder.'² Sir Charles Bagot's acceptance of the French Canadians and their allies apparently strengthened the current of opinion in favour of party government in Nova Scotia; and on top of this came a violent and openly expressed difference of opinion between Howe and his colleague J. W. Johnston, the leader of the Conservatives, on the question of religious education. Their respective followers threatened to move embarrassing motions in the Assembly, and within the Government itself Howe began to argue that union of sentiment on important public questions was necessary among the members of the Executive Council, and Johnston to maintain that such party unity was unsuited to so small and poor a community and would upset the balance of the constitution and destroy the subordination of the Colonial to the Imperial Government.³ It was clear that a Council in which the two strongest personalities were so much at odds could not endure for long.

For a time there had been genuine cordiality of feeling between Howe and the Lieutenant-Governor, but Johnston, 'aristocratic by instinct and by education', was in the long run more likely to be congenial; and after a period of hesitation Falkland seems to have settled down to the conviction that Johnston had right on his side.⁴

'I am', he wrote, 'the Queen's representative, and not the head of a

¹ Falkland to Stanley (20 February 1842) (Private): CO 217/180. A new effort in 1843 to bring Huntington, the chief critic of the Executive, in was unsuccessful: Chester Martin, *op. cit.*, p. 208.

² G. M. Grant, *op. cit.*: *Canadian Monthly*, vol. viii, p. 22.

³ Falkland to Stanley (31 March 1843): CO 217/183.

⁴ See Chester Martin, *op. cit.*, pp. 202-9.

party. . . . I am anxious to do justice to all and averse to forming a Government of persons professing one sect of political opinions. I am, however, prepared to yield this point if the sense of the country be against me, and be fairly ascertained and expressed in a constitutional manner after due deliberation.'¹

He decided accordingly, in November 1843, to dissolve the Assembly and let the question be thrashed out by the country. He hoped that an election would strengthen the moderates, and that he would be able to enforce better discipline afterwards on his Executive—in short, he hoped that Johnston was going to win. He does not seem to have perceived the absurdity of an election in which one part of his Executive Council was in fact fighting the other. Each side of course came back from the elections confirmed in its opinions. This did not dismay Lord Falkland. He proposed to instruct Mr. Johnston to put before the House the alternatives of the present system on the one hand or the Canadian on the other. The 'Canadian constitution' would involve Government initiative in money votes, and he was confident the House would prefer to leave things as they were.²

Any hope that remained of composing the differences in the Executive Council was, however, brought to an end when, on 21 December, Lord Falkland appointed a brother-in-law of Mr. Johnston, Mr. Almon, to a seat in the Council. The three Liberal members, who claimed that, though they were three out of nine in the Executive, they were in a majority in the Assembly, at once resigned.³ Lord Falkland denied that he was bound to act by any fixed rules in his appointments, and Mr. Almon shared, he said, his opposition to party government.

'Mr. Howe', he said, 'writes throughout as if two well-defined political parties, and two only, existed in the Province, whereas there is a third and moderate party distinct from either, the weight of which is beginning to be felt. . . . Messrs. Howe, McNab, and Uniacke do not attempt to deny that they have influenced the bestowal of by

¹ Falkland to Stanley (28 November 1843): CO 217/184.

² Falkland to Stanley (17 December 1843): *ibid.*

³ Mr. Young, one of the original three Liberals, had resigned on his appointment as Speaker, but Mr. Uniacke had been won over to the views of Mr. Howe.

far the greater share of patronage though they have been in a minority in the Council. What then do they hope to gain by an augmentation of the number, unless they mean that every appointment, and every measure must be put to the vote at the Board, and that the Governor *must* in each and every case go with the majority? If they do *not* mean this they mean nothing, and if they *do* mean it they desire to render the Governor little else than the recording Clerk of the decisions of a body in which if there were two parties the smaller one would sit with the certainty of being out-voted, the representation of the minority being a nullity, and by which, whether it consisted of one party or two, the Royal Prerogative would be usurped, while the Board itself, the Governor not appointing its members, would become in effect elective.’¹

The ‘moderate’ third party existed chiefly in Lord Falkland’s own imagination. The fact simply was that he, like Metcalfe, preferred one of the two parties to the other, although unlike Metcalfe he had both parties in his administration. He found it possible to avoid such a blunt statement of the facts only because one of the two parties avowed its principles to be those of opposition to party government, or in reality held different views as to the proper relation of the Executive Council to the Governor. It still accepted the Sydenham system: experience had convinced Howe’s party that the Sydenham system was unworkable.

Falkland was sustained in the Assembly by a majority of two in his condemnation of party government, mainly because Johnston had secured the support of his co-religionists the Baptists. But a non-party government consisting of one party was a singular anomaly.

‘I cannot divest myself of the impression’, wrote Falkland in high dudgeon, ‘that matters have arrived at a crisis at which that gentleman [Mr. Howe] and those who support him must triumph absolutely, or unless they consent to modify their opinions be resolutely excluded from office, and principles of an opposite nature to those for which they contend, in regard to the exercise of the prerogative, be established.’²

He endeavoured to broaden the basis of his Council, but it was a hopeless task. Howe had set himself to make

¹ Falkland to Stanley (1 January 1844): CO 217/186.

² Falkland to Stanley (2 March 1844): *ibid.*

Falkland's position impossible by holding him up to ridicule in his paper, and neither could ever work with the other again.

Thus Falkland was driven back willy-nilly upon one party only. He endeavoured to put a spoke in Howe's wheels by securing a public expression of opinion from Stanley to the effect that Nova Scotia was not in a fit state for the introduction of the Canadian constitution. Stanley had supported Falkland's attitude all through, but he declined to commit himself quite so far. He sent a dispatch, however, stating that the Queen was 'deeply impressed' with the views of the Assembly on the evils of party government; and he allowed Falkland to require of the newly appointed Treasurer that he should resign his seat in the House and not again enter either House unless with the express sanction of Her Majesty.¹ But it was only in appearance that Nova Scotia was still far away from responsible government. Howe was only in the minority by two or three in the Assembly and was constantly agitating the question there and in the Press; his day was sure to come again, and when it came it would take more than the prejudices of a Falkland or the opinions of a Stanley to keep him out of power.

In New Brunswick there was no Joseph Howe, but even there the Sydenham system had its vicissitudes. Under the government of that master of conciliation, Sir John Harvey, the Province remained satisfied with the concession which had transferred the casual and territorial revenues to the control of the Assembly in return for a civil list. Some members of the Assembly had been appointed to the Executive Council, but the Lieutenant-Governor continued to be its unquestioned head. In 1841 Sir John Harvey was replaced by Sir W. M. G. Colebrooke, a competent if rather crotchety official. Colebrooke soon began to report strains in the machinery. The paid heads of departments who carried on most of the actual work of administration were not members of the Executive Council; they sat in the Upper House and occupied themselves principally with obstructing its measures. The Executive Councillors, who were unpaid, were drawn, to please the public, from all sections of the

¹ Stanley to Falkland (2 August 1845): CO 218/33.

province: there was not even a quorum in Fredericton, and the Council met but once a month. Colebrooke accordingly intimated to the chief departmental officers the probability that they might eventually be required to obtain seats in the Assembly.¹ He was careful to explain to Stanley that he did not mean to move in the direction of party government, but Stanley was still inclined to wonder whether the remedy was not worse than the disease. He had already cautioned the Lieutenant-Governor against requiring from the Executive Council unity in details, as distinct from the general tenor and scope of the administration;² he now added a warning against 'the promulgation of general doctrines with respect to the constitution or the policy of that body, as circumstances might arise which would render such expression of views on your part extremely inconvenient'.³ Accordingly nothing was done, and Colebrooke instead endeavoured to bring the departmental heads under stricter control. In the course of 1843 the Assembly passed a vote of no confidence in the Executive, but the system survived. Five of the eight Executive Councillors resigned, and the Council was reconstructed, among the new members being L. A. Wilmot, the leader of the Liberals.

It was, however, only an unstable equilibrium. Wilmot's sympathies were made sufficiently clear by his opposition to an Address of the Assembly supporting Metcalfe's policy in Canada. Late in 1844 the Provincial Secretary died. Wilmot clearly thought the opportunity a good one for taking one step at least in the direction of responsible government. He demanded that the new Secretary should be a member of the Assembly and responsible to it. Colebrooke, on the other hand, argued that the Provincial Secretary should be a confidential servant of the Lieutenant-Governor, withdrawn from all party influences, and appointed his own son-in-law. Half the Executive, Wilmot among them, thereupon resigned. All except Wilmot admitted that the Provincial Secretary need not be a political officer, that they had even no strict right to have their advice taken; but they objected

¹ Colebrooke to Stanley (13 December 1842): CO 188/79.

² Stanley to Colebrooke (2 April 1842) (Private): CO 189/16.

³ Stanley to Colebrooke (1 March 1843): CO 189/17.

to what they regarded as a job. The Assembly upheld them by 19 to 13 in their opposition, and a week later passed by 23 to 10 a vote of no confidence in the rump of the Executive.

Sir William Colebrooke had not followed the events in Canada and Nova Scotia for nothing. The authority of the Crown, the liberties of the people, and the preservation of the connexion of the province with the parent State were in his opinion involved in this attempt to interfere with his right to dispose of patronage.¹ Stanley did his best to repair the egregious blunder of the Lieutenant-Governor. He withheld his sanction from the appointment; and at the same time he noted with approval that the Assembly had refrained from laying down 'formal principles'—in other words from committing itself to responsible government, or even to the establishment of a party administration. One point he conceded to the Reformers. He thought it very desirable that the Provincial Secretary should be a member of the Executive, and should in one or other House have the opportunity of explaining and defending its measures.² It was unlikely, however, that the machinery would work very smoothly after such a shock. The Assembly passed a resolution adopting the Canadian resolutions of September 1841. The moderate Reformers, Hazen, Johnston, and Chandler, who were offered reappointment to the Executive, objected to acting with the members who had just been appointed from the minority, thus in fact maintaining the principle of party unity. Colebrooke himself admitted that opinion in favour of responsible government, which his injudicious action had done so much to encourage, was gaining strength.³

Only in Newfoundland did the system which was being tried in all the North American colonies,⁴ in different forms, score a real success. The situation in Newfoundland was peculiar. Party divisions were at once more real and more rancorous than in the Maritime Provinces. A constitution of the old type had been granted to the island in 1832, but after a short period of satisfactory working, the antagonisms between agricultural and mercantile interests, between

¹ Colebrooke to Stanley (25 February 1845): CO 188/90.

² Stanley to Colebrooke (31 March 1845) (Private and Confidential): CO 189/17.

³ Colebrooke to Stanley (14 October 1845) (Confidential): CO 188/92.

⁴ Except in Prince Edward Island: see below, pp. 467-8.

Roman Catholics and Protestants, had blazed up; there had been rioting, bloodshed, and arson at elections; Roman Catholic priests had intervened in them; fishermen and domestic servants, to the scandal of all 'respectable' people, had been elected to the Assembly; and there had been war to the knife between the Roman Catholic Assembly and the Protestant Council.¹ Sir John Harvey was appointed Governor, and suggested a reform of the franchise and election laws, a separation of the Legislative and Executive Councils, and a reconstitution of the latter on the New Brunswick model.² Stanley agreed that something might be done along these lines, but thought this was not enough. The contests between the two Houses should be brought to a close by 'the abandonment of the fancied analogy to the Imperial Parliament', and the union in one Chamber of the representatives of the people and the nominees of the Crown.³ The Governor, though with some hesitation, concurred in this plan, but still urged the importance of giving the Executive Council a broader basis by including in it four officers of Government and three elective members of the Assembly—one of them perhaps the Speaker.

Both these measures were adopted. An Act of 1842⁴ provided, in spite of not a little criticism, for the amalgamation of the two Houses; revised the election law and the qualifications for electors and members; and reserved the initiation of money votes to the Crown. It was not, however, to continue beyond 1 September 1846 unless Parliament should otherwise determine. The instructions accompanying the Act dealt chiefly with the Executive Council. Some members of the Assembly, though not the Speaker, should be included, and all interests impartially represented so long as harmonious co-operation in the public service was not endangered.

In pursuit of his policy of conciliation the Governor enlarged the membership of the Executive Council to eleven and finally to twelve.

¹ Prescott to Russell (9 June 1841): CO 194/111.

² Harvey to Russell (6 October 1841) (Confidential): CO 194/112.

³ Stanley to Harvey (19 November 1841) (Confidential): CO 195/20, pp. 14 ff.

⁴ 5 & 6 Vic., cap. 120.

'Such has been the eagerness evinced to obtain admission to this Council and so much disappointment and dissatisfaction would, I apprehend, be occasioned by the exclusion of certain leading individuals that I should deem it the most expedient and advantageous course to seek to purchase the good will and support of all parties at so cheap a price.'¹

Towards the end of the four years his success was somewhat clouded by the passage of resolutions in favour of responsible government; for he always regarded himself 'as *solely* responsible as well to the Sovereign as to Her Majesty's subjects in the colony for the impartial and satisfactory administration of its affairs'.² He maintained, however, that the majority for the resolution was merely an accidental one.³ And, though it is impossible to say which of the measures of 1842 had most influence, certainly by 1846 political conditions had much improved. 'There was fierce debate, scurrility and vituperation, but at any rate the acts were passed and the public service was not embarrassed.'⁴

This 'soothing system' was, however, no real answer to the demand for responsible government even in the smaller colonies. Under a Governor of exceptionally strong personality or exceptional skill in the arts of conciliation it might succeed, but mainly because he could bring his Council to agree with him. As a transitional system on the way to full responsible government it was valuable, for it trained the leaders of colonial opinion in the exercise of responsibility. But there is no reason to think that the Peel Ministry regarded it as transitional, and as a permanent system it could not hope for success. Political systems must be based on facts, and the facts were that in these colonies the representative Assemblies were the strongest political force in the community, and that Assemblies always aspire to power. Party government was certain to come sooner or later. It could not be hoped that colonial Governors would be able, however skilful, permanently to reconcile British supremacy and colonial self-government.

¹ Harvey to Stanley (5 October 1842) (Private and Confidential) CO 194/115: No. 1719.

² Harvey to Stanley (16 January 1843) (Confidential): CO 194/166: No. 126.

³ Harvey to Gladstone (17 February 1846) (Confidential): CO 194/125: No. 393.

⁴ Prowse, *History of Newfoundland*, p. 450.

IV

SYSTEMATIC COLONIZATION AND REPRESENTATIVE GOVERNMENT IN AUSTRALIA

THE events of the thirties, which were discussed in the opening chapter, had transformed the Australian Colonies. The population of New South Wales had doubled. Thanks to the improvement of the breed of sheep in the twenties and to the discovery of tract after tract of new pastoral country, the 'squatters' had spread far beyond the old 'nineteen counties' southward to the Murrumbidgee and the Murray and Port Phillip, and northward to New England and the Darling Downs and Moreton Bay. There had been an unprecedented amount of free immigration, and for the first time the convict element had been completely swamped by the free. The more adventurous spirits of Van Diemen's Land had betaken themselves across Bass Strait to join at Port Phillip the pioneers from the north. Wakefield had launched the new colony of South Australia.

This rapid progress had been in no small measure due to Wakefield and his theory. True, it did not require a *Letter from Sydney* to send the Australian squatters and their flocks into the interior. But the idea of South Australia was his: the new interest in England in the possibilities of the Australian colonies was largely of his creation: the new land sales policy and the new State-assisted, State-regulated immigration were admittedly inspired by him. And the progress of the colonies was in its turn beginning to exercise an influence on policy. The success of free immigration clinched the arguments of the Molesworth Committee against transportation to New South Wales, and in 1840 it was discontinued. The discontinuance of transportation removed the great argument against representative government; for, clear as was the claim of the free colonists of New South Wales to a share in the birthright of Englishmen, their advocates had never been able to convince the Imperial Government that political freedom ought to be given to a penal colony. Either freed convicts would have a voice in

the election of the Assembly, and possibly be themselves elected to it; or they would be excluded from the franchise, and the division of the colonists into 'exclusionists' and 'emancipists', with all its undesirable reactions on society, would be perpetuated. Now that New South Wales was to be a penal colony no longer, this dilemma disappeared. Finally, the Wakefield system, successful as it had been, had so far only been applied experimentally. The next step ought surely to be a full and whole-hearted adoption of its principles.

When Stanley took charge at the Colonial Office changes of policy had already been set in motion. In 1840 Lord John Russell introduced a Bill granting free institutions to New South Wales, though for ten years elected and nominated members were to be united in a single chamber: there was no discrimination in it against persons who had served their term. The Bill was withdrawn, but its introduction conceded the principle. In 1841 the committee on South Australia, a body representative of all parties, showed itself clearly of opinion that the land systems of all the Australian colonies should be as far as possible assimilated, that the price of land should be raised still higher everywhere, and that half, though for the present only half, of the land fund should be applied to immigration.¹ It rested with Lord Stanley to carry through these changes, and this he did by two Acts of Parliament of 1842.

The New South Wales Government Act (5 & 6 Vict., cap. 76) was prepared after consultation with Buller, who had been the correspondent of the Australian Patriotic Association, the organization which voiced the predominant opinion among the colonists. The Patriotic Association itself recognized that a partly elected Assembly might be the most that could be hoped for; and Buller concurred. He did not anticipate difficulty from the admixture of nominees, for new Liberal was but old emancipist writ large, and the emancipist party had been generally protected by recent governors:

'In all their letters there is a constant disposition to rely on the protection of the authorities at home; and in all their schemes of self-government there is an openly expressed desire of maintaining in

¹ *P.P.*, 1841, iv (H.C. 394), pp. xvi-xix.

their utmost plenitude the prerogatives of the Crown and the authority of Parliament.’¹

This being so, and the old associations of the colony being fresh in the memory of all, it is not surprising that the Act hedged about with many restrictions the grant of representative government. The new Legislative Council was to consist of twelve members appointed by the Crown and twenty-four elected by the inhabitants on a moderate property qualification. Not more than half the nominated members were to be officials, and the nomination was to be for the term of the council, which was (subject to the right of dissolution) to be five years. In a private covering dispatch Stanley explained that it was desirable that, in addition to the *ex officio* members, there should be some officials holding elective seats.² The Governor was not to be a member of the Council, but was empowered to return Bills with amendments for its consideration. A civil list was set aside—£33,000 for the salaries of the Governor, Superintendent of Port Phillip, judges, and Crown law officers, £18,600 for administrative expenses, and £30,000 for public worship. The independence of the Executive was not to be the sole check on the Legislative Council. There were to be elective district councils, the Governor however nominating the first council and also the chairman, and making an appointment in default of an election in case of any vacancy. There were penalties for refusal of office. The councils were empowered to make by-laws, to manage roads and bridges, to establish schools, to levy rates and tolls and so forth: they were also to defray one-half of the police expenditure, and a power was given of distress and sale on district councillors and local inhabitants should they be so ill-advised as not to pay. One almost might fancy that the framers of the Bill had been vouchsafed in some nightmare a vision of modern Sydney; for in the provision empowering Her Majesty to constitute separate colonies out of the territories of New South Wales northward of 26° south was yet another safeguard against centralization. To the absence of local

¹ Buller to Stanley (November 1841) (Private and Confidential): CO 206/62.

² Stanley to Gipps (5 September 1842) (Private): CO 202/45.

government Durham and Sydenham had attributed many of the ills of Canada: New South Wales was to be given its free institutions, from the first, in decentralized form. The Governor and Legislative Council were given a general power of making laws not 'repugnant to the law of England'; but Bills affecting the constitution of the Legislative Council, the salaries of the principal officers, or the customs duties, were to be reserved. Finally, another of the principles inculcated by Durham was to be provided for: colonial lands being an Imperial affair, the colonial legislature was not to 'interfere in any manner with the sale or other appropriation of the lands belonging to the Crown... or with the revenue thence arising'.

Parallel to this Act, but extending to all the Australian colonies, was the Australian Land Sales Act (5 & 6 Vict., cap. 36)—whereby for the first time the principles of systematic colonization received the sanction of a general Act of Parliament. Lands were to be sold after survey at a minimum upset price of £1 per acre. £1 was the price already in all the Australian colonies except Van Diemen's Land and the older parts of New South Wales, and it was considered that 'the accumulation of capital in these longer formed settlements, and the advantages from the vicinity of markets and of established roads must justify the raising of the upset price there'.¹ The auction and fixed price systems, round which controversy had raged so fiercely, were to be combined: country lands put up for auction but not sold were then to be saleable at the upset price. Also, though in general lots were not to be of more than 640 acres, blocks of 20,000 acres or more of unsurveyed land might be sold by private contract. The Governor was empowered to raise the price, but not to lower it: he might also name a different upset price for special country lots, for town lots, and for suburban lots—those within five miles of any existing or contemplated town. He might grant pastoral licences for not more than a year, and no such lands might be sold except at the expiration of a licence. The expenses of surveys, management, and sale were to be a first charge upon the

¹ Note on 'Heads of a Bill': CO 384/65: No. 2783. Note that the recommendation of the South Australian Committee that the price be raised *above* £1 was not acted on.

proceeds of land sales, and at least one-half of the gross proceeds was to be applied to emigration from the United Kingdom. The Act was not quite as Wakefield would have wished it; but it was in fact a triumph for his ideas, and was the high-water mark of the attempt to put them into practice.¹

There was, however, a strange incongruity between the principles of 'systematic colonization' embodied in the Act and the actual state of affairs in the Australian colonies. The progress of the thirties had been real, but in the later years of the decade confidence had become foolhardiness and genuine development had given way to speculation. By 1840 the situation had already changed. 'New South Wales proper was undergoing a drought and a panic; Van Diemen's Land was in a state of stultification because of the new mainland settlements; Port Phillip was racked with speculation in land values; South Australia was facing financial disaster; and Western Australia had relapsed to backwardness again.'² Since then it had changed further, and for the worse. Under the cumulative effects of the drought of 1838-40, the discontinuance of assignment, the crisis in South Australia, and the cessation of the influx of capital from England, the land boom and the stock market both collapsed. Large quantities of private land were thrown into the market at prices below the Government minimum, and there were bankruptcies on all sides. It is a fair inference from American experience that the colonization of the nineteenth century proceeded naturally from crest to trough and from trough to crest again; but it is not so easy for the colonist as it is for the historian to view these ups and downs of fortune with philosophical detachment. In New South Wales at any rate the Wakefield system had never been valued for itself, but only for the supplies of capital and labour which had followed its introduction; now, with land and stock at a discount, the Wakefield system, just when it had come more than ever into favour in England, was at a dis-

¹ I see no foundation for the distinction drawn by Professor Roberts in his *History of Australian Land Settlement* between the doctrinaire attachment of the Land and Emigration Commissioners to the Wakefield theory *pure et simple* and the 'salutary influence' of Stanley.

² Roberts, *op. cit.*, pp. 101-2.

count too. The high price of land was regarded as the greatest of all impediments to progress; and the Land Sales Act was from the first unpopular, except in South Australia, and remained so to the end.

The kernel of the Wakefield theory was the regulation of the supply of labour; and according to the strict construction of the theory, the stoppage of land sales meant the stoppage also of assisted immigration. The case for such a stoppage was not purely theoretical. At the beginning of 1841 the engagements of New South Wales under the system of 'bounty orders' to contractors—which had for the time entirely supplanted the Government immigration system—had amounted to no less than £979,562; and in the course of the year some 20,000 immigrants were actually introduced. The Land and Emigration Commissioners in England, not unnaturally alarmed at the financial risks the Governor was running, endeavoured to stem the flood: and early in 1842 emigration was stopped for the time being. Yet these arguments, theoretical and financial, were not as conclusive as they seemed. Wages fell, and after a period when the builders in particular attempted to take advantage of the fall, there was unemployment in Sydney: but the pastoral industry, which felt of course more than any other the cessation of assignment, was by no means fully supplied with labour;¹ and in November 1841 Governor Gipps recommended the introduction of four or five thousand immigrants in the ensuing year. They could only, of course, be paid for by means of a loan. This Stanley refused to sanction.

'Although the land sales actually may not be a perfect indication of the increased demand likely to arise for labour, those sales would appear to be the best available criterion of the probable requirements of the colony in this respect.'

He could not think there was any real labour shortage.² The Wakefield principle, in fine, was to be rigidly applied.

¹ Coghlan (*Labour and Industry in Australia*, vol. i, p. 424) says that the number of assigned convicts, employed chiefly in this industry, diminished from 25,322 in 1839 to 3,532 in 1843. To this book I am indebted for many of the facts in this chapter as to economic conditions in the colonies.

² Stanley to Gipps (29 July 1842): *P.P.*, 1843, xxxiv (H.C. 323), p. 89.

Lord Stanley's view took little or no account of the fact that the needs of the pastoral industry were quite independent of land sales; and it did not at all commend itself to the Legislative Council. The colony could absorb ten or twelve thousand immigrants a year, said they; and a loan was a much better way of meeting the cost than the land fund immigration system, which merely drained the colony of capital, severely hampered the interchange of commodities, beat down prices, and made it 'more and more difficult to employ labour, even while the necessity for it is urgently and increasingly felt'.¹ A Select Committee of the new Legislative Council in 1843 repeated this argument; urged that Great Britain should guarantee a loan of £1,000,000 on the security of the land fund, unless indeed she were prepared to reimburse part of 'the enormous expense incurred by the colony in relieving Britain of her starving and redundant population'; and suggested that settlers be attracted by remissions in the purchase-money of land proportionate to the cost of their own passages and of the passages of labourers introduced by them.²

Sir George Gipps was not a rabid opponent of borrowing, but he did not agree that the natural reaction after the speculation of recent years was a sufficient reason for the entire abandonment of land fund immigration; and he had no difficulty in showing that the only 'capital' sent out of the colony had been wool, oil, and other exportable commodities.

'The mania,' he added, 'whilst productive of many evils, has at least had the good effect of adding 50,000 souls to our population, and of changing in the almost incredibly short space of six years the whole character of the colony, of converting it, in fact, from a convict colony into a free one. Had there been no mania, the Government could only have got these 50,000 souls by incurring a debt of perhaps £500,000; but, by the aid of the mania, and the intervention of banks and loan companies, the Government have got them in exchange for land.'³

¹ Gipps to Stanley (20 September 1842): Enclosure: *P.P.*, 1843, xxxiv (H.C. 109), pp. 51-5.

² Gipps to Stanley (9 December 1843): Enclosure: *P.P.*, 1844, xxxv (H.C. 505), pp. 116-24.

³ Gipps to Stanley (17 January 1844): Bell and Morrell, *op. cit.*, p. 234.

A few immigrants were indeed sent, for Stanley was not deaf to the demand for labour. He hoped that the surplus revenue of the colony—for the finances of New South Wales had stood the strain of the crisis well—would within a short time, if not at once, be able to meet the expense of a modified bounty system;¹ and by February 1844 he had dispatched two thousand emigrants and arranged for another twelve hundred. But Gipps was not exactly pleased to hear of their coming. Over twelve hundred workmen in Sydney were unemployed, and he feared that some of the new arrivals might have to be maintained by Government.² In actual fact they were not town labourers or mechanics or ne'er-do-wells like the unemployed, but agricultural workers, and were readily absorbed. There still remained, however, the fact that the Legislative Council were only prepared to recommend immigration if some other method were found of paying for the immigrants. Stanley was not prepared to accept either of their alternatives, and accordingly sent no more.

Still less would he countenance another method of getting immigrants cheap which commended itself from time to time to the squatters. A few coolies had been introduced from India as a private speculation, and in 1841, and again in 1843, it was asked that public funds be used for their introduction.

'The employment of coolies as shepherds', ran the petition, 'would not interfere with the Europeans engaged in other branches of industry, such Europeans being generally averse to pastoral pursuits, whilst the coolies have been found well adapted for that employment, and have exhibited a remarkable example of honesty, sobriety, and thrift.'³

There was a counter-petition signed mainly by the working-classes of Sydney, but it was hardly needed, for the much maligned Colonial Office fully appreciated the importance of keeping Australia white. The folly of the proposals was exposed by Stephen.

¹ Stanley to Gipps (17 September 1843): *P.P.*, 1844, xxxv (H.C. 626-I), pp. 4 ff.

² Gipps to Stanley (9 December 1843): *ibid.* (H.C. 505), pp. 82-3.

³ Gipps to Stanley (5 May 1843): Enclosure: *P.P.*, 1845, xxxii (H.C. 267-II), pp. 12-13.

'To expedite the augmentation of wealth in New South Wales by introducing the black race there from India would, in my mind, be one of the most unreasonable preferences of the present to the future, which it would be possible to make. There is not on the globe a social interest more momentous—if we look forward for five or six generations—than that of reserving the Continent of New Holland as a place where the English race shall be spread from sea to sea unmixed with any lower caste. As we now regret the folly of our ancestors in colonizing North America from Africa, so would our posterity have to censure us if we should colonize Australia from India.'¹

'They would debase by their intermixture the nobler European race. . . . They would bring with them the idolatry and debasing habits of their country. They would beat down the wages of the poor labouring Europeans. . . . To introduce them at the public expense would be to countenance and affirm the favourite theory of all colonists that the first settlers in a new country become the proprietors of it all; and that the affairs of it are to be conducted for their benefit rather than for the benefit of the metropolitan state.'²

Stanley and the colonists of New South Wales, in short, were hopelessly at odds on matters of principle; and economic circumstances were far from favourable to the smooth working of any scheme of immigration. At least, wherever the responsibility may lie, it may be said that as regards the promotion of colonization the Act of 1842 was a failure so long as Stanley's régime continued.

Nor had the Act provided a solution for the most difficult problem of Australian colonization, the problem of squatting. The squatter was the 'frontiersman' of the Australian colonies, the instrument or the embodiment of that destiny which has in the last hundred and fifty years carried European civilization into so many of the waste places of the earth, converting the wilderness to the uses of Western man. So soon as the Blue Mountain barrier was passed it was impossible to stop his onward march into the interior, though not until 1836, when Governor Bourke sanctioned the depasturing of stock outside the 'limits of location' for a fee of £10 a year, did this inevitable process receive full legal recognition. In 1839 this licence system was supplemented by the organiza-

¹ Minute (17 July 1841): CO 201/310: No. 2603.

² Minute (12 September 1843): CO 201 333: No. 1563. Stanley entirely concurred with the Minute.

tion of a force of border police, paid by an assessment on stock, to enforce the law in the back country. The Land Sales Act left these arrangements unaltered. The squatter, however, wanted more than mere recognition and protection: he desired security. Prompted no doubt by the hope of gain but not so often rewarded by its realization, he acted as the pioneer of settlement and defied the droughts and floods of the interior; and what rights were allowed him in return? Only a licence held from year to year at the absolute discretion of the Governor.

Yet how should security be given him? The American frontier farmer was a tiller of the soil; and the equity of the principle that the land he tilled should become his property was clear. 'It cannot be doubted', said Andrew Jackson, 'that the speedy settlement of these lands constitutes the true interest of the Republic';¹ and the only question, and that a difficult one enough, was as to the best way of converting occupation into ownership. The fact that in Australia the occupation was a pastoral occupation transformed the whole question. The high price was an effectual bar against any purchase of pastoral land. It was absurd, said the Legislative Council of New South Wales, to have land valued at £1 per acre when three acres were required to support a single sheep. How, in these circumstances, could New South Wales hope to compete in attractiveness with the United States? A Select Committee of the Council wished the Crown lands to be classified, and the price to be 6*d.* for sandy and rocky scrub, 2*s.* 6*d.* for common pasture-land, 5*s.* for richer pasturage, 20*s.* for the alluvial river banks and the rich brush lands along the coast only.² That it was desirable that the land should be sold was taken for granted. Sir George Gipps had the penetration to perceive that this was in fact an unsound assumption, and that between the Australian problem and the American there was all the difference in the world.

'It seems to me premature to pronounce that land in Australia is valuable only with reference to its capacity for feeding sheep; and I see no reason to conclude, that the proprietor of sheep which are

¹ Quoted by Paxson, *History of the American Frontier*, 1763-1893, p. 385.

² Report (5 December 1845), *P.P.*, 1845, xxxiii (H.C. 267-II, p. 20).

fed upon any land ought to be the proprietor also of the land itself. . . . A high minimum price acts as an inhibition to the sale of land which is not worth improving; and lands which are destined for ages to remain in an unimproved state are, in my opinion, better in the hands of government than of private individuals.¹

The great advantage of the pastoral licence system was that it enabled the Government to keep the price of land high without injury to the community.¹ These arguments against lowering the price of pastoral lands were rightly regarded by Stanley as conclusive.

It was necessary therefore for the squatters to seek some half-way house between the position they at present occupied and ownership. At the very least they demanded a longer tenure than one year, a right of pre-emption should it be desired to sell any portion of their runs, and compensation for improvements should they surrender their licences. It was a question moreover, expediency apart, whether it was politically possible to avoid some concession to their claims; for they were the strongest interest in the colony, owning as they did the three million sheep on which in effect its commerce depended, and they were led by the ablest and most influential man among the colonists, William Charles Wentworth. The Legislative Council might, for instance, refuse to renew, when it expired in 1846, the Act imposing the border police assessment and empowering the Government to remove unauthorized occupiers. Fortunately Gipps, for all his strength of character and combativeness, saw the limitations of mere resistance as a policy. Pre-emption he strenuously opposed: 'It would be scarcely possible to grant or acknowledge such a right, without at the same time granting the right of the occupier to the undisturbed possession of land up to the time when the right of pre-emption should commence.'² But the social advantages of greater security of tenure he fully admitted. On 3 April 1844 he suggested to the Secretary of State that any squatter, after five years' occupation, should be permitted to purchase a homestead of 320 acres: it was to be put up to auction, but the assessed value of the squatter's improvements was

¹ Gipps to Stanley (17 January 1844): Bell and Morrell, *op. cit.*, pp. 230-1.

² Gipps to Stanley (18 April 1843): *P.P.*, 1844, xxxv (H.C. 180), p. 11.

to be added to the upset price. This right should continue for three years, so that the squatter might normally expect eight years' undisturbed occupation: and by purchase of the homestead he might in the ordinary course look forward to another eight years' occupation of the remainder of the run. At the same time, however, Gipps proclaimed that as from 1 July 1845 the size of the run which might be held on a single licence should be limited to 20 square miles, and the number of stock which might be depastured for £10 to 500 cattle or 4000 sheep.¹ This would simultaneously increase the revenue and remove a real anomaly of the licence system.

The colonists, unaware that any jam was to accompany the pill, were bitterly indignant at the increased charges Gipps proposed. A general meeting of squatters resolved that

'the right claimed by the Executive Government of imposing arbitrary and unlimited imposts for the occupation of Crown land affects the vital interests of the whole colonial community, and renders the right of imposing taxes by the representatives of the people almost nugatory.'²

Wentworth denounced the regulations with characteristic fire.

'It was a tribute—it was an imposition such as a lord put upon his serf—fit for Tunis and Tripoli—worthy of the Dey of Algiers. . . . It is evident that all the value of this country, whether of this city or of its remotest areas, has been imparted to it by its population; and, consequently, the country itself is our rightful and just inheritance; that these wilds belong to us, and not to the British Government.'³

It was not true that the licence fee was in any proper sense of the word a tax, nor, in view of the convict system and the consequent Imperial expenditure, that the value of the lands of New South Wales had been imparted to them solely by its inhabitants; but the arguments served. Stephen was undoubtedly right in the inference he drew from the attitude of the squatters.

'The titles of these squatters will rapidly ripen into indefeasible

¹ Gipps to Stanley (3 April 1844): *P.P.*, 1845, xxxii (H.C. 267-III), pp. 4-7: (1 May 1844): *ibid.*, pp. 50-2.

² Gipps to Stanley (16 April 1844): Enclosure: *ibid.*, pp. 20 ff.

³ *Ibid.*

proprietary claims unless the authority of Parliament shall come in aid of the authority of the Governor, nor is it evident to me that even Parliament will be able to overcome such a combination at such a distance.' ¹

Despite Stephen's pessimism, in 1845 Parliament was asked to legislate. Stanley approved of Gipps's regulations, but his Bill carried concession a stage farther. Gipps had proposed to continue the annual licence system but to allow the sale of homesteads, at auction; the Bill contemplated as an alternative the grant of seven years' leases, without auction, of lands occupied for five years and improved—which in those days of unfenced runs meant virtually homesteads—and the leasing at auction of other pastoral lands. It also proposed to substitute an agistment on stock for a licence fee. The Bill was introduced too late for passage at the session of 1845, and was sent out to the colony for criticism. On the whole Gipps approved of it. He disliked the principle of leasehold, because he feared that public opinion might make it impossible to collect the rents; and he thought accordingly that the licence system should be retained as long as possible, and no licence converted into a lease except on the application of the occupier. But he realized that the concession of a longer term had become inevitable, and hoped that it would induce the squatters to forget for the time the dangerous demand for pre-emption. ²

The squatters, however, were by no means satisfied yet. They objected to the principle of putting leases up to auction as unfair to the discoverers of runs, and to the exception conceded after five years' occupation and improvement as unfair to those who had paid a price to the original occupiers, they thought the term too short; and they protested against the discretion left to the local Executive. They suggested twenty-one years' leases, at a rental proportioned to the capacity of the run and with the right of pre-emption.³ Nor was there any reason for them to despair of success. They

¹ Minute (12 September 1844): CO 201/345: No. 1125.

² Gipps to Stanley (10 and 12 January 1846): *P.P.*, 1846, xxix (H.C. 399), pp. 52-3, 61.

³ Memorial of 499 Stockholders of New South Wales: Bell and Morrell, *op. cit.*, pp. 236-40.

had influential friends in England, and shipowners and wool-buyers were deeply interested in their fortunes. *The Times* was of opinion that they had a moral right to pre-emption.¹ *The Spectator*, whose views may be taken to be those of Wakefield, thought that the Government ought not to enforce a right it had allowed to fall into disuse:

‘Sir George Gipps . . . appears to have considered Government as a landlord and himself as its land-steward, and to have believed that his whole duty consisted in squeezing the greatest possible amount of rent out of his employers’ tenants-at-will.’²

Above all, they had managed, by working upon the colonial dislike of arbitrary government, to enlist colonial public opinion in their support and to assume the role of champions of colonial rights against the despotism of Sir George Gipps and his superiors in Downing Street.

In the end Gipps and Stanley had to leave the problem, unsolved, to their successors, and Grey, as we shall see, felt himself obliged to make further concessions. But this is not to say that Gipps and Stanley had been wrong. This was not a question in which the rights and wrongs were clear. It was both right and politic that the squatters should be given a certain security, but after all the Governor and the Secretary of State were holding out not for some barren theoretical principle, but for the rights of the colonists of the future, for whom they believed the Imperial Power to be trustee. To concede everything would have been a worse blunder than to concede nothing at all. Gipps sought to avoid both extremes. Nor had he braved unpopularity in vain. More liberal terms were given by those who came after him, but there was no complete surrender, no ripening of squatters’ titles into ‘indefeasible proprietary claims’.³ And the colonists for whom Gipps and Stanley held the breach were coming soon: they were the gold-miners of 1851. In short Gipps and the Secretary of State who supported him in his squatting policy have been justified by history.

One unfortunate effect of the land policy of these years was, however, that it underlined the fact that the constitu-

¹ *The Times*, 3 November 1845.

² *The Spectator*, 8 November 1845.

³ This may be questioned by some: but see below, pp. 342-6.

tion of 1842 withheld from the management of the colonists some of the most important of their affairs. In these circumstances it is hardly surprising that the working of the constitution was very far from smooth. The land disputes and the economic depression between them poisoned the whole atmosphere.

In one respect particularly—in the matter of its local government provisions—the Government Act was a total failure. The colonists regarded the district council system, as the Quebec colonists had regarded representative government itself, as *une machine anglaise pour nous taxer*; and the originating power of the Governor and the proposal to cast part of the police expenditure on the districts gave colour to this view. Gipps's proposal to bring the clauses into full operation was delayed for a year and then defeated. Why, asked the Committee of the Council on General Grievances in 1844, should a scattered population, owning but a seventh of the whole area of the nineteen counties, bear 'the entire expenses attendant on the construction and repair of roads and bridges throughout the entire area of these lands'? Why should they bear the expenses attending the coercion and restraint of the convict population, sent out as it had been by the Imperial Government? There was 'obvious and glaring impolicy' in a new country in taxing land or its products at all.¹ Several councils were indeed constituted under the Act, but their existence remained purely nominal. The population was in fact too shallow in its roots to be influenced by local attachments, and there was thus no real basis on which to found local institutions. The scheme had attempted too much, and its only result, apart from the serious blow unwittingly dealt to the good cause of local government, was to add to the jealousy felt by the Legislative Council of the way in which its power was circumscribed.

From the first the Council was restive, particularly in the matter of the civil list. In the first session it demanded some control over the schedule dealing with judicial expenses, in return for an additional vote for which it was asked. Gipps

¹ Report (6 December 1844): extracts printed in Bell and Morrell, op. cit., pp. 78-83.

refused. He admitted that there had been much outcry against the civil list 'as an infringement on the constitutional privileges of the representatives of the people, as implying a distrust in them, and as putting the loyal colony of New South Wales on a par with rebellious Canada'. But he considered it essential to the maintenance of Imperial authority over the colony.¹ At its second session, with the squatting proclamation fresh in its mind, the Council was in a still more self-assertive mood. One Committee considered 'Crown lands grievances', and after a vigorous denunciation of Imperial land and immigration policy concluded:

'No thorough remedy for the grievances connected with the Crown lands of the colony can be hoped for, till the whole of the revenues arising from those lands be carried to the account of the ordinary revenue, and the management of those lands be placed under the control of the Governor and Legislative Council.'²

Another considered 'general grievances', and after a passing reference to the objectionable co-ordinate authority given to nominees of the Crown in the voting of supplies, fastened chiefly upon the civil list. After a fling at the Governor, at the irresponsibility of his advisers, and the bad effects of constant reference to Downing Street, it reached the same general conclusion:

'There is but one way of preventing the collisions, which have thus unhappily commenced, from becoming permanent—to give the Legislative Council the necessary privileges of a representative body, which imply that control over the Ministers and administration of the Colony which belongs to responsible government properly so called, and which can only exist, where the decision of the majority can occasion the choice—as well as the removal—of the functionaries who are entrusted with the chief executive departments.'³

It was the undiluted doctrine of the Durham Report.

Gipps for his part admitted that the constitution was working ill, but drew the very opposite conclusion. 'The points on which cessions are demanded, are essentially those which distinguish Imperial, or independent Government,

¹ Gipps to Stanley (28 October 1843): CO 201/335: (1 January 1844) (Separate): CO 201/342.

² Report (20 August 1844): *P.P.*, 1845, xxxii (H.C. 372), pp. 23-7.

³ Report (6 December 1844): CO 201/350.

from Government which is secondary and dependent.' Nor could the Legislative Council be trusted to govern well.

'I can scarcely imagine anything more likely to lead to unsatisfactory, not to say calamitous results, than the existence in Sydney of a Legislative Body, disposing of the whole revenues of the State, regulating the affairs of every district in it—and composed of representatives . . . each grasping at, or rather, I should say, each higgling and bargaining for the greatest share which he can get for his own constituents out of the general spoil.'

If a dissolution produced no change for the better, there would be nothing for it but to suspend the constitution and restore the old nominee Council for perhaps ten years. This would give an opportunity for the firm establishment of a system of local self-government, and perhaps for the separation of Port Phillip from the mother colony.¹

Stanley refused to accept either conclusion. Responsible government was a 'vague abstract principle', and Canada was an awful example of the dangers lurking in its abstractions. It would never do to concede that. Nothing was said now of the curious private dispatch sent out with the Act: indeed the Surveyor-General, Mitchell, who had been elected to the Council, had recently been required by Gipps to resign his seat. But the need of desperate remedies was not yet proved. Stanley had already advised the Governor to conciliate the legislature as far as possible and to make his messages less argumentative.² The self-assertion of the Council was natural. 'Time and experience, aided by a firm but temperate resistance to such encroachments, may not improbably repress such attempts and bring the Executive authority and that Council to such terms of mutual good understanding as are necessary for their successful co-operation for the general good.'³ Gipps had had a long and stormy term of office. Stanley thought, and rightly thought, that the best hope of conciliation lay in the appointment of a new Governor. And so Gipps came home, like Metcalfe, to die: and the fate of the constitution of 1842 was left still in suspense.

¹ Gipps to Stanley (13 February 1845): CO 201/356.

² Stanley to Gipps (29 March 1844): CO 202/48.

³ Stanley to Gipps (16 March 1845) (Separate): CO 202/50. Gipps did not actually leave the colony until 11 July 1846.

In New South Wales alone was there any advance in this period in the direction of self-government. The South Australia Act of 1842 empowered Her Majesty to convene a Legislative Assembly of one or two Houses, which had been promised by the Act of 1834 when the population should reach fifty thousand; but the Governor was informed that this would not be done until the resources of the colony should be adequate to provide for its own expenditure, and a permanent civil list should be granted;¹ and there the matter rested in Lord Stanley's time. Van Diemen's Land came under his ban as being a penal colony,² and representative government was out of the question in so small and poor a community as Western Australia. The Land Sales Act, however, extended to all three, and so did the depression which made its title seem an irony.

The Act perhaps affected South Australia least of all, as it was in essence an extension of the principles on which the colony had been founded and to which it remained faithful. The squatting problem was much less acute, although there were complaints of uncertainty of tenure, and Governor Grey proposed a system of fourteen or twenty-one years' leases, any part of the run except the homestead block being however made liable to sale at three months' notice.³ But as for colonization, it was at a standstill for some years. The first essential was a return to solvency after the bankruptcy of 1841.⁴ This had been begun by Gawler, who had been made the scapegoat of the failure. Many of his heaviest costs had been for works which now had only to be maintained: many of his 'outstanding claims' were for stores and so forth that could be used by his successor: above all, much of his expenditure had been incurred in pushing on surveys, encouraging country settlement, and thereby overcoming those difficulties of building, clearing, fencing, lack of knowledge of conditions,

¹ Stanley to Grey (5 September 1842): *P.P.*, 1846, xxix (H.C. 400), pp. 16 ff.

² Stanley to Franklin (5 September 1842): *P.P.*, 1846, xxix (H.C. 400), p. 30.

³ Grey to Stanley (31 January 1845): *ibid.* (H.C. 399), pp. 38-41. Under the Pasture Licence Act of 1842, licencees paid an annual fee of 10s. 6d., with an assessment of 1d. per head on sheep and 6d. on cattle: in order to build, they were required to take out an occupation licence (fee £5) or else to purchase 80 acres of land. As in New South Wales the question was still unsettled when Stanley retired.

⁴ See above, p. 12.

which were the main obstacles to progress.¹ But when George Grey arrived as Governor on 12 May 1841, it was not only his tendency to disparage his predecessor that led him to say there was much still to do. He had still to make extensive reductions in expenditure. He was faced with serious unemployment, and the labourers had been sent out with the assurance that, if unable to obtain work elsewhere, they should be employed by the Government at reduced wages. By the end of September 1841, 1,900 souls, or one-eighth of the entire population, were dependent on the Government for support. The Imperial Government, too, was apt to be critical of his policy, and feared that he was reviving the vicious principles of the old English poor law. Stanley instructed him to discontinue the employment of men who refused offers from private employers: if necessary, they might emigrate to other colonies where funds were available for their introduction.² A few months later, egged on by the Treasury, he told Grey to offer to those receiving relief a free passage to some other colony, and to entertain no further applications.³ He refused to honour certain bills that Grey had drawn. It was absolutely imperative that expenditure should be brought within the limits of the revenue.

But by this time Grey was in a position not only to defend his policy but to say that it had succeeded. By the end of 1842 every able-bodied labourer was fully employed. Grey was naturally sore at the ungracious tone of the Treasury letters and the failure to appreciate his difficulties. Fourteen thousand acres had now been cropped with wheat alone. 'Had any large number of labourers been sent out of the colony, a great portion of the crops must have been lost.'⁴ He began to ask for immigrants. But the 'debt' of the general revenue to the immigration fund had been cancelled under instructions from the Treasury. There were no funds available unless some of this money could be extracted from the Imperial milch cow, Parliament; and to this Stanley refused

¹ Gawler to Stanley (4 January 1844): CO 13/41. The Colonial Office acknowledged that Gawler's defence of his administration had much force. See also Price, *Foundation and Settlement of South Australia*.

² Stanley to Grey (1 March 1842): *P.P.*, 1843, xxxii (Cmd. 505), pp. 67-8.

³ Stanley to Grey (2 August 1842): *ibid.*, pp. 141-3.

⁴ Grey to Stanley (26 December 1842): *ibid.*, p. 250.

his assent. In 1844, however, copper was found at Kapunda—the most hopeful event that had occurred in any of the Australian colonies for years. Immigrants began to come in unassisted from the other colonies; and in 1845 Stanley was able to authorize the renewal of emigration from England on the Wakefield plan, though not until 1846 did the trickle become a stream.

In Van Diemen's Land the gloom of these years was unrelieved. The Land Sales Act was a mere mockery. From 1840 to 1844, of 10,400 lots of land put up for sale only two were sold. In 1841–2 some two thousand free immigrants were introduced, at the request of the Legislative Council; but then the transportation policy of the Peel Ministry began to make its effects felt,¹ and at the request of the Lieutenant-Governor immigration was suspended. The Act was in reality quite unsuited to the circumstances of a colony which was being flooded, as Van Diemen's Land was being flooded, with convicts: and in 1845 an amending Act exempted the colony from its provisions.² Nor was the policy any more effective in Western Australia—although there the trouble was not the superfluity of labour but the superfluity of alienated land. There were high hopes of the establishment of a Wakefield settlement by the Western Australian Company at Australind (1840–3), but they were completely disappointed. In 1843 a new crisis occurred, owing chiefly to the fall in the price of wool, and like the crisis in New South Wales it was frequently ascribed to the new Land Act. The high price, said the Legislative Council, diverted the tide of immigration to the older and more developed colonies: and the Crown lands being generally too remote, in any case, for any but pastoral use, the price ought to be lowered to five shillings. The return of the purchase-money in the form of labour was not a sufficient inducement to the purchaser; and besides, the cost of immigration ought to be shared by the Mother Country.³ The Land and Emigration Commissioners, however, did not agree with these arguments: they remarked, with philosophy, that the real trouble lay in the immense grants of land held by private individuals: and

¹ See below, pp. 387–90.

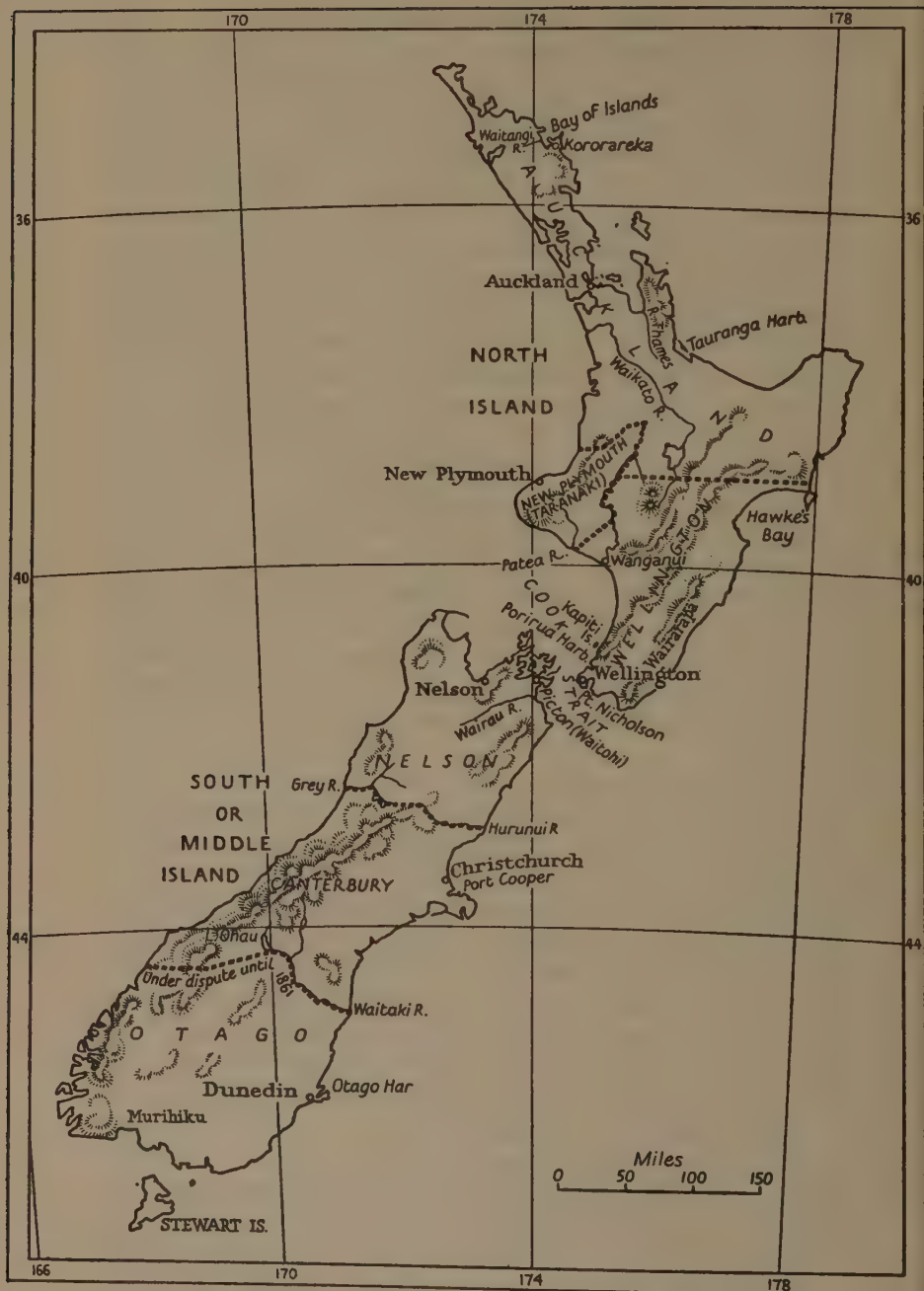
² 8 & 9 Vict., cap. 95.

³ Hutt to Stanley (9 January 1843): Enclosure: CO 18/34.

as at this stage no progress was possible in Western Australia without some special departure from the accepted general principles of land and immigration policy, no progress was made.

The first and most natural comment upon the policy of Stanley in relation to lands and immigration in the Australian colonies is that it entirely, or almost entirely, failed to promote colonization, which was presumably its main object; but close on the heels of this comes the reflection that it is most unlikely that any other policy could have done better. It was against all the Wakefield rules that the colonies should suffer from a surfeit of colonization, but for the moment this was not far from the truth. The Land Sales Act at least did not stand in the way of the recovery of South Australia. In the special cases of Van Diemen's Land and Western Australia there was no doubt a strong case for some departure from the rigid principles of the Act, and this was recognized only slowly in Van Diemen's Land, and in Western Australia not at all. As regards New South Wales, it is difficult to believe that much land could have been sold under any system, unless for a price so unwisely low as to encourage pastoralists to buy, or that many immigrants could have been introduced except by Imperial aid to which any other colony could put forward an equal claim.

In the matter of representative government in New South Wales also Stanley's policy cannot exactly be called successful. Not only was there friction between Governor and Legislative Council, but there were demands for an extension of self-government by no means compatible with the principle of Imperial control of lands and colonization. If Stanley thought that the colonists could be reconciled for long to the Government Act of 1842 he was very much mistaken. Yet here again it is difficult to condemn the policy: it was generally admitted in New South Wales before men had read the Durham Report and before Imperial control of colonization came to be identified with depression, that an instalment of self-government was all that could be expected in the colony till it shook itself free from the fetters of the past. The fact that the constitution was soon being criticized by the majority of the colonists did not mean that it was ill-suited to a period of transition.



NEW ZEALAND AS DIVIDED INTO PROVINCES UNDER THE
CONSTITUTION ACT OF 1852

THE CONFLICT OF POLICIES IN NEW ZEALAND

THE youngest of the British colonies—New Zealand—was, in a not very quiet or contented family, the one that Lord Stanley found most troublesome of all. For it was at once the favourite of the systematic colonizers and the favourite of the missionary societies. Two different conceptions of imperialism were struggling to control its destinies. The paramount need of the infant colony was that Government should mediate between the parties with a clear and positive policy of its own.

For several years New Zealand had been the scene of valuable whale- and seal-fisheries and of a growing trade between the Maoris, a vigorous and attractive native race, and the Australian colonies; and settlement had followed trade. New Zealand, an American historian might say, was part of the Australian frontier. It was colonization of a sort, and therefore it interested Wakefield; but it was haphazard, and therefore it excited his contempt. He spoke his mind about it before the Waste Lands Committee of 1836, and in 1837 he took action upon his opinions and formed the New Zealand Association, with Lord Durham at its head, expressly for the purpose of systematic colonization of the islands.

The missionaries, however, had been in the field almost as early as the traders; had won considerable influence with the Maoris; and regarded New Zealand as their special preserve. When in 1832 Mr. Busby had been appointed British Resident at Kororareka, the head-quarters of European trade and settlement, he had been instructed to act in close concert with them. It is not surprising, then, that the Committee of the Church Missionary Society at once denounced the new Association, on the grounds that New Zealand was a foreign country, not subject to British jurisdiction; that colonization of countries inhabited by uncivilized tribes was pernicious; and that the present scheme would tend 'to interrupt, if not to defeat' their own

measures for the 'religious improvement and civilization of the natives'.¹

To say nothing of Stephen, Glenelg and his Under-Secretary Sir George Grey were members of the committee of the Church Missionary Society. The Colonial Office not unnaturally inclined to the missionary view. As if to make assurance doubly sure, the Aborigines Committee expressed the opinion that the Executive Government should not engage in or countenance any of the present colonizing schemes without taking the advice of Parliament.² Yet Wakefield had influential supporters, and if ever a man took *nil desperandum* as his motto it was he. The New Zealand Association approached Lord Melbourne direct, and found him not indisposed to listen. These negotiations broke down early in 1838, but the Association transformed itself into a joint-stock company and began again. It was not without good grounds for hope, for the tide was turning, and flowing in the direction of colonization. Before a Committee of the House of Lords on New Zealand in 1838 there was hardly a witness, however sympathetic to the missionaries, but admitted at least the need of some stronger authority on the spot than the existing residency. The Rev. J. Beecham, Secretary of the Wesleyan Missionary Society, was even brought to the point of saying that if the natives could be persuaded to part with their land, and possession were equitably obtained of no more land than they could spare, a colony composed of 'a respectable class of settlers' would be beneficial.³ Indeed there is evidence that Stephen himself and Sir George Grey had come over to the view that colonization was inevitable and were endeavouring to awake Glenelg to the necessity.⁴

Wakefield, however, was impatient and suspicious: there was talk—not without real foundation—of French designs upon New Zealand, and he determined to force the hand of

¹ Resolutions of 6 June 1837: *P.P.*, 1837–8, xxi (H.C. 680), p. 243.

² *P.P.*, 1837, vii (H.C. 425), p. 86. On the Aborigines Committee see above pp. 25–6.

³ *P.P.*, 1837–8, xxi (H.C. 680), p. 315.

⁴ 'If his advice and mine had been taken, New Zealand would have been colonized before this Company came into being. Lord Glenelg hesitated . . .' Stephen to Howick (February 1845): *Howick Papers*. See also Minutes of 21 January and 15 March 1839: CO 209/4.

the Government. The Company sent out its first ship, the *Tory*, in May 1839. It was now essential that the Government should act, in the interest of the natives themselves; for it could not leave uncontrolled the relations between a body of British settlers and a native race whom it had already in a sense taken under its protection. Accordingly Captain Hobson, a naval officer already acquainted with the country, was instructed to treat with the aborigines for the recognition of British sovereignty over 'the whole or any parts of those islands which they may be willing to place under Her Majesty's dominion'.¹ The fruit of these instructions was the Treaty of Waitangi (February 1840) whereby the Maori chiefs recognized British sovereignty. They were, in return, secured in the possession of all the lands occupied and enjoyed by them, and they were to sell only to the Crown.²

The New Zealand Company had attained one at least of its objects, and New Zealand had become a British colony. But at the same time the Treaty of Waitangi turned over a new leaf in British colonial policy and offered the natives a guarantee that colonization, inevitable though it might be, should not proceed without regard to their just claims. Whether the chiefs understood the full meaning of the Treaty is very doubtful.³ The famous saying 'The shadow goes to Queen Victoria, but the substance remains with us' expressed only half the truth. But this at least may be said with some certainty, that without some such guarantee against indiscriminate land-grabbing British colonization would have had a hard task indeed before it secured a footing in New Zealand.

It was essential, now that New Zealand had become British, that the position of the Company should be regularized. Already Colonel William Wakefield, the Company's Principal Agent, had been making extensive land purchases in the southern part of the North Island, and making them

¹ Normanby to Hobson (14 August 1839): *P.P.*, 1840, xxxiii (Cmd. 234), p. 37.

² Most of the principal chiefs signed then or later. On 21 May, however, Hobson took the precaution of proclaiming British sovereignty over the Southern islands by right of discovery. There were fewer natives there; and it was there that the French proposed to establish a colony.

³ See the amusing account in Maning's *History of the War in the North of New Zealand*.

without any real inquiry into the validity of the titles supposed to be conveyed—on account, says Dr. Garnett, of ‘the necessity for extreme dispatch, lest the Company should in the meantime be deprived of all purchasing power’.¹ Meanwhile the Company itself, in the same spirit, was sending its emigrants after its agent. It was very much a venture of faith. A Select Committee of the House of Commons, engineered by Gibbon Wakefield, was due partly no doubt to the fear of French designs but partly too to his desire to justify the Company; but it did not achieve all that was expected of it.² The resourceful Wakefield resolved to approach the Colonial Office direct, and strange to relate his manœuvre succeeded. The chief credit belonged to Buller, who, fresh from his portrait of Mr. Mother Country, succeeded in disarming the opposition of his sitter, Mr. Stephen. In November 1840 terms were agreed upon. The proved expenditure of the Company on the purchase of lands, the chartering and dispatch of ships, the maintenance of emigrants, the purchase and transmission of stores, surveys, public buildings, and works was to be recognized as entitling them to Crown grants at the rate of four acres for every pound.³ ‘Lord John’, wrote Wakefield, ‘has behaved very well, and Stephen excellently.’⁴ In February 1841 the Company received the Charter of Incorporation promised by the agreement.

Unfortunately a few months sufficed to show that the real differences were too deep to be patched up by this paper agreement. It had little effect on events in New Zealand. Hobson was a naval man and had a naval man’s idea of discipline. His primary duty, as he saw it, was to the natives, and he fixed his head-quarters at Kororareka; the Company’s settlers were hundreds of miles to the south at Port Nicholson. Hobson’s government had no real existence for them, and yet when they attempted to supply its place by a voluntary association, he denounced their amateurish efforts as high treason. Then in October 1840 he chose ‘Auckland’, in the North, as the seat of government, and made depreciatory

¹ Garnett, *Edward Gibbon Wakefield*, p. 211.

² On this Committee see Harrop, *England and New Zealand from Tasman to the Taranaki War*, pp. 82–7.

³ *P.P.*, 1841, xvii (H.C. 311), pp. 85–7.

⁴ Fawcett, *Life of Sir W. Molesworth*, p. 180.

remarks about Port Nicholson. It is doubtful if Wellington required a reason for disliking Auckland, but if so there was one ready to hand—though the choice of Auckland, with its unrivalled facilities for communication with the native tribes, was pretty clearly right. In any case it was inexcusable to leave Wellington entirely without government. In short the harmony attained at home was conspicuous by its absence in New Zealand. The agreement, moreover, merely concealed the divergence of opinion upon the policy to be pursued towards the natives. In the instructions of December 1840, which terminated the short career of New Zealand as a dependency of New South Wales, Lord John Russell directed the Governor to support the missionaries, to institute a system of ‘protectors’, to be tolerant of native customs—and to appoint a Commission to inquire into titles to land.¹ These objects were not in themselves inconsistent with colonization, which indeed the Government professed itself anxious to encourage; but if New Zealand, where land titles and native policy were inextricably interwoven, could settle its land titles without incessant agitation and recrimination, it would indeed deserve to be called the model colony. And Colonel Wakefield had forgotten that the more haste, the less speed.

These troubles however were still in Pandora’s box; and the beginning of the disagreement was on another question. Stephen had at first been converted by his regard for the claims of the colonists who ‘had pledged their lives and property to this hazardous enterprise’;² but he was not unappreciative of the claims of the Company.

‘I have no doubt that the Company will obtain their land on much lower terms than the Government might have got for it, or for much of it, at a sale by auction, and I think this quite reasonable. It is to their enterprise, perhaps to their audacity, we owe it that the land has acquired any saleable value whatever.’³

Russell, too, was friendly, and granted the Company special

¹ Russell to Hobson (9 December 1840 and 28 January 1841): *P.P.*, 1841, xvii (H.C. 311), pp. 24–30, 52.

² Minute of Stephen (15 December 1841): CO 209/11: No. 2511.

³ Minute of Stephen (18 February 1841): CO 209/6: No. 338.

facilities for the foundation of their second settlement of Nelson. Then came a divergence in the interpretation of the original agreement. The Company had been promised that 'for the present' the whole of the purchase-money of land acquired by them should be expended on emigration. In consenting so to apply the proceeds of a purchase of 50,000 acres Russell notified them that next season only 50 per cent. of the purchase-money whether of the Company or of individuals would be applied to this object;¹ Stephen had taken the view that this was hardly a fair interpretation of the phrase, but had been overruled.² It was, moreover, the last time that the Company were to have the support of Stephen. He had been given to understand that their expenditure would entitle them under the November agreement to some four or five hundred thousand acres of land. But in May the accountant, Mr. Pennington, reported that they were definitely entitled to some 532,000 acres, but probably to a much larger quantity.³ Stephen thought that they had purposely underestimated the amount of their expenditure in order to obtain the agreement; that any special concession to them now would make them absolute masters of the colony.⁴ The Colonial Office and the Company were drifting into war again.

When Stanley became Secretary of State the Company thought the opportunity a good one to press their point as to the expenditure of their purchase-money. They rashly sought to strengthen their case by referring to the private conversations between Buller and Stephen. It was an egregious blunder. It was not so much the mere breach of etiquette Stephen resented, as the implication that he had given a pledge which as a mere subordinate, responsible to the Secretary of State, he had of course no authority to do. He denied the fact, and was deeply offended by the use of frank and confidential conversation to impute to him such a breach of trust. It was indeed a proceeding which deserved to bring discredit on the Company. All Stephen's pent-up

¹ Vernon Smith to Somes (4 June and 16 August 1841): *P.P.*, 1842, xxviii (H.C. 569), pp. 10-13.

² Minute of Stephen (25 May 1841): CO 209/11: No. 1133.

³ *P.P.*, 1842, xxviii (H.C. 569), p. 5.

⁴ Minute of Stephen (22 August 1841): CO 209/11: No. 1841.

distrust of Wakefield, all the contempt of the official person for the officious person, now found vent.

'Here is a Company which has existed but for six months, and which has already proclaimed and paid a dividend of 10 per cent. Whence the money came may well excite curiosity, but a body making so enormous a dividend after so short an existence must I think have had some eye to profit. . . . If the Company are not in pursuit of profit so much the worse. Nothing so dangerous, or so suspicious, as these superlative virtues substituted for the vulgar motives of common life. I believe indeed that the Company did seek to claim for themselves the sort of high character which they now assert. They did so in the hope of becoming a sort of East India Company in miniature. . . . To me it seems that the only rational course for the Company to take is to make all the profit they honestly can, and that their pretensions to fill any other office than that of similar Companies in other colonies, should be discouraged.'¹

The offending letter was withdrawn, but that of course did not end the matter. Charles Buller, who alone had it in him to bridge the gap between the Colonial Office and the Colonial Reformers, was now as suspect in Stephen's eyes as Wakefield; and Stanley, who entered the Colonial Office with few predispositions in Stephen's favour, could not but sympathize with Stephen. Another incident occurring about the same time doubtless had its effect on Stanley. An agent of the Company had been negotiating with the Syndic of Hamburg for the establishment of a German colony in the Chatham Islands, which the Company claimed to have purchased from the natives. Informed of the fact on 15 October 1841, Stanley lost no time in denouncing these unauthorized proceedings. The Company endeavoured to evade responsibility: yet it is clear—and it may be inferred that Stanley was not altogether ignorant of the fact—that despite these warnings they did not give up hope of carrying the project through.² In short the Company had before long given the impression that they were not to be trusted, that the November agreement would only satisfy them in so far as it gave them not only economic security but political power. Stanley was not the man to brook this; and in agree-

¹ Minute (15 December 1841): CO 209/11: No. 2511. A minute of 79 manuscript pages in answer to a letter even longer.

² On this matter see Harrop, *op. cit.*, pp. 75–82.

ing to accept instead of the Nelson purchase-money an expenditure of £40,000 on emigration and £40,000 on public works, he informed the Company that it was the last special privilege he would give them: he could not allow them by virtue of their original outlay to become the purchasers and sellers of nearly all the land in New Zealand.¹

Events in the colony conspired to widen the breach between the Colonial Office and the Company. Hobson never succeeded in overcoming his dislike of the southern settlements. He earned the name of Captain Crimp by carrying away labourers from Wellington to Auckland in a government vessel. He fought stubbornly against that tendency to dispersion which owed its origin to nature as well as to man, by refusing to allow the establishment of the Company's second settlement at Port Cooper, the most eligible site, and by endeavouring to pass a Bill to the effect that land claims should be selected from certain districts near Auckland only. Hobson was suffering from paralysis, a disease which does not improve the temper, and should not be too harshly judged. In any case the personal animosity of the Governor soon became of minor importance in comparison with the investigation of the Land Claims Commissioner. Colonel Wakefield's chickens were coming home to roost. Mr. Commissioner Spain, an honest and capable official, soon found that these hasty purchases of his had been in many cases purchases only in name. This at once raised a difficult question. Did the rights of the Company rest exclusively on the validity of their Agent's purchases? Was it not rather the duty of the Government under the terms of the agreement to settle outstanding native claims in the districts to be granted to the Company? So the Company argued, in a letter protesting against Spain's proceedings;² and acting upon this view they instructed Colonel Wakefield to make no further payments—thereby losing, as Spain at least believed, a chance of setting at rest in return for quite a small sum the claims to most of the disputed lands, *pahs* and cultivations excepted.³ Stanley

¹ Hope to Somes (24 May 1842): *P.P.*, 1842, xxviii (H.C. 569), pp. 49-53.

² Somes to Stanley (24 October 1842): *P.P.*, 1844, xiii (H.C. 556), Appendix, p. 9.

³ Spain to Shortland (31 May 1843): *ibid.*, pp. 86-8.

as uncompromisingly took the opposite view, maintaining that the agreement proceeded on the assumption that the purchases were valid. But, said the Company, it is a mere bagatelle: we are quite willing to accept a proviso omitting from the grant any lands in the actual occupation or enjoyment of the natives.¹ At once another divergence of view stood revealed: Lord Stanley believed that there were lands that could fairly be called waste, but in his opinion the restriction of the natives to lands in their actual occupation or enjoyment would be contrary to the Treaty of Waitangi.² Talk of the treaty rights of the natives stung the Company to fury.

'We did not believe that even the Royal power of making treaties could establish, in the eye of our courts, such a fiction as a native law of real property in New Zealand. We have always had very serious doubts whether the treaty of Waitangi, made with naked savages by a consul invested with no plenipotentiary powers, without ratification by the Crown, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying savages for the moment.'

Besides, the chiefs who signed the treaty neither could nor did pretend to cede anything but the northern corner of the North Island, and the Company's purchases were elsewhere.³ Stanley, in return, repudiated this construction of the Treaty of Waitangi.⁴ Thereupon the Company, in high dudgeon, suspended their proceedings.

'Your Lordship', wrote their Governor bitterly on 22 February 1843, 'now promises us, not for the first time, "all the assistance and support which it may be in the power of Her Majesty's Government to afford". But we are constrained to say, that instead of such assistance and support, the policy recently pursued by the Colonial Office has been that of neither colonizing by its own efforts, nor allowing any one else to carry on the colonization of New Zealand.'⁵

Intent on scoring points in the controversy, both sides were neglecting the real interests of the colony. The Company were unable to fulfil their engagements to their

¹ *Somes to Stanley* (21 December 1842): *ibid.*, pp. 18-20.

² *Hope to Somes* (10 January 1843): *ibid.*, pp. 20-2.

³ *Somes to Stanley* (24 January and 14 February 1843): *P.P.*, 1844, xiii (H.C. 556), Appendix, pp. 30-9.

⁴ *Hope to Somes* (1 February 1843): *ibid.*, p. 36.

⁵ *Somes to Stanley* (22 February 1843): *ibid.*, pp. 229-30.

settlers: often their claim to land that had actually been surveyed was disputed by the natives. It was in the interests of all parties that the initial mistakes of the Company should be repaired and the native claimants satisfied. But neither side was willing to yield the point and pay.

After this fierce recrimination there was a temporary appeasement. In May the Company fell in with a suggestion that they should swallow their repugnance to Auckland and take land to the value of £50,000 in its vicinity, and also agreed to accept a 'conditional grant' of lands of the amount due to them under Mr. Pennington's award, valid unless their title to the lands selected should be successfully impugned by other parties.¹ The improvement, however, did not last long. The Company sent out F. D. Bell to select lands at Auckland, but nothing came of his mission but more correspondence and more controversy. The grant of a *prima facie* title rested with the local authorities, and they did nothing. Nor can they be altogether blamed, for the time was passing when the question of land titles could be treated as an isolated question. It was becoming merely a part of the general question of native policy.

For the natives were getting quite beyond control. Hobson had asked for an adequate military force, but had been told that there was not a regiment to spare; that he must endeavour to organize a militia or other local force.² Whether this was practicable or no, it was not tried: and in the course of 1842 it became clear that the Government was virtually powerless to impose its will upon the natives even in such grave matters as inter-tribal war and cannibalism. A chief in the Thames district wrote in reply to a remonstrance: 'Don't let the Pakehas presume with the Maoris. With the Governor is the settling of Pakeha affairs; it is with us to adjust Maori matters.'³ At the end of the year Shortland, who after Hobson's death in September was Acting-Governor, proposed to punish two chiefs in the Tauranga region. The Bishop and Chief Justice convinced him that he

¹ Stanley to FitzRoy (26 June 1843) (Confidential): *P.P.*, 1844, xiii (H.C. 556), Appendix, p. 94.

² Minute of Stephen (21 September 1839): CO 209/4.

³ Rusden, *History of New Zealand* (second edition), vol. i, p. 303. *Pakeha* = stranger, i.e. European.

was merely courting disaster, and he held his hand. Lord Stanley had no choice but to acquiesce in this policy. Such a confession of failure was bad enough, but the Government was in fact equally impotent to control the relations of the natives and the settlers, which, owing mainly to the unsettled state of the land question, were steadily deteriorating. It would not be fair to lay the responsibility for this on either party: and seeing that the Government was totally without constructive policy, it was not at all surprising that a rash inexperienced local magistrate should attempt decisive action in a particular case in which the settlers were palpably in the wrong. In June 1843 a party of Nelson settlers, of whom Arthur Wakefield, the leader of the settlement, was one, attempted to execute a warrant upon the chief Te Rauparaha for burning some surveyors' huts in the disputed Wairau district. Wakefield, the magistrate, and nineteen other Europeans lost their lives.

The 'Wairau massacre' had far-reaching effects. The Government felt it to be impossible and indeed unjust to take vengeance upon the perpetrators of the massacre. Its inaction lowered not only its own prestige but that of the whites in general in the eyes of the Maoris, and further embittered the white settlers. And finally, when the news reached England, all confidence in the colony disappeared and the Company, who had always been apt to make light of native opposition, suffered a paralysing blow. In February 1844 they once again threw themselves on the mercy of the Government and asked for financial assistance, which the Chancellor of the Exchequer declined to give them.¹ Thereupon, casting on the Imperial Government and its agents the responsibility for what had happened, they appealed to Parliament and demanded an inquiry into the whole New Zealand question. In this demand they had the powerful support of their old enemy *The Times*. A Select Committee was in due course appointed, with Lord Howick as its Chairman, and the Company left no stone unturned in their efforts to secure a favourable report.²

¹ Somes to Stanley (29 February 1844): *P.P.*, 1844, xiii (H.C. 556), pp. 233 ff.: Goulburn to Stanley (27 March 1844): CO 209/31.

² 'They prepared a list of names, studiously selected from *our* side of the House,

Their endeavours were successful. A minority of the Committee, headed by Mr. Cardwell, concurred in the construction put by the Government upon the Treaty of Waitangi, and appeared to think that from that the rest followed. A majority of one, however, adopted the draft report of the Chairman, which reviewed the policy hitherto pursued towards New Zealand in no very complimentary fashion. It is true that Lord Howick condemned the Company for sending out the first expedition in defiance of the authority of the Crown, but on other points he summed up decidedly against the Government. The Treaty of Waitangi had been a mistake, 'though a natural consequence of previous errors of policy'. Sovereignty could have been asserted on the ground of prior discovery, or indeed sheer necessity, without a treaty of which the natives were incapable of comprehending the real force and meaning. And the Treaty had been wrongly interpreted, for the uncivilized inhabitants of a country, with their tribal titles and their lack of settled government, should be regarded as having but a qualified dominion over their land—though all that could now be done was to direct the Governor to establish the title of the Crown to all unoccupied land as soon as he safely could. The agreement of November 1840 had also been wrongly interpreted: the Company had a right to be put in possession by the Government, with the least possible delay, of the number of acres awarded to them by Mr. Pennington. They had that right as against the estate of the Crown without reference to the validity of their purchases from the natives. From dealing with titles to land the report went on to deal with general native policy. British authority should be resolutely exerted to maintain internal peace and to prevent native customs from being acted upon in a manner inconsistent with good order and morality and with the progress of civilization. An armed steamer should be placed at the disposal of the Governor, and a militia and a permanent native force organized. Every effort should be made to 'amalgamate' the two races: reserves of land should be made for the benefit of the natives: the

but previously thoroughly imbued by Charles Buller with the views of the Company': Stanley to Peel (17 December 1844): *Peel Papers*, vol. cclxxxviii.

utmost attention should be paid to the education and training of their youth: and whenever their improvement in intelligence admitted of it, they should be employed in the civil service and placed on a footing of perfect equality with their white fellow-subjects.¹

The report is interesting for several reasons—not least because it embodies many of the ideas on native policy which Howick attempted to put into general operation when he became Secretary for the Colonies. It was, however, without practical effect, and its immediate importance lay rather in the fact that it raked over the ashes of every controversy of the past in such a way as to add fuel to the wrath of the Company against the Government. By the Company and the Colonial Reformers generally it was used as a stick with which to belabour the Colonial Office, which stood convicted, according to *The Spectator*, of frustrating by its misgovernment ‘the greatest and best colonizing enterprise that ever England was engaged in’.² On the other hand, its doctrines provoked protests from Shortland and from the Church Missionary Society, and Lord Stanley treated it as a contribution to polemics rather than to policy, and declared that its principal recommendations could not be put into practice. He drew the attention of the Governor to the recommendations on the subject of a land tax, of native customs, and of reserves for native use: he admitted that some of the advisers of the natives had formed, and encouraged the natives themselves to form, exaggerated notions of the value of their lands: but he left the main questions of native policy exactly where they stood before and concluded his dispatch with the pious hope that just treatment would gradually ‘wean the native tribes from their savage habits, render them submissive to British law, and incorporate them in the community of British subjects’.³ Despite the furious attacks of his enemies Stanley was holding his ground.

Meanwhile, however, his position was being fatally undermined by the weakness and folly of the Colonial Government.

¹ *P.P.*, 1844, xiii (H.C. 556), pp. i–xiv.

² *The Spectator*, 4 and 11 January 1845.

³ Stanley to FitzRoy (13 August 1844): *P.P.*, 1845, xxxiii (H.C. 1), pp. 3–9; Bell and Morrell, *op. cit.*, pp. 571–4.

The Treaty of Waitangi itself was not safe in their feeble hands. It was essential if the Treaty was to achieve its real object that the needs of settlement should be met by the purchase from time to time, by the Government, of native lands and the use of those lands for the purpose of colonization. But the Treasury was pursuing towards New Zealand its characteristic policy of economy at any price; and Shortland spoke of land purchase by the Government as impolitic, if not impossible. It would weaken the influence and lower the dignity of the Government, even if the natives were ready—which they were not—to sell large continuous tracts of good land.¹ FitzRoy, who assumed control in December 1843, had mooted before he went out a scheme for allowing the natives, on certain conditions, to sell their lands at £1 an acre to private persons, and Stanley was so far favourable as to toy with the idea of allowing them to sell at 5s. an acre, purchasers paying an additional 15s. to the Government.² FitzRoy had been some three months in the colony, discovering reasons for his preconceived opinions, when he issued a proclamation announcing his willingness, on certain conditions, to waive the pre-emptive right of the Crown. Written application was to be made: one-tenth of each purchase was to be reserved for the benefit of the natives or for other public purposes: and a fee of 10s. an acre was to be paid for the Crown grant. The natives, he said, had been clamouring to sell their lands, and the Government had not the money to buy them: even if it had, it could never compete with private sellers.³ But if this concession could be had by clamouring for it, why not others? The poor Governor was bullied into issuing, on 10 October 1844, another proclamation reducing the fee payable to the Government to one penny. The natives' desire to sell land, he explained, had been industriously stimulated by settlers who had taunted them with being no better than slaves while the provisions of the Treaty of Waitangi remained unexecuted. And so, to keep the peace, he had given in to them.⁴ The Port

¹ Shortland to Stanley (30 October 1843): *P.P.*, 1844, xiii (H.C. 556), Appendix, p. 340. In 1840-2, 227,200 acres were purchased, at a cost of some £4,000. Then funds ran out.

² Minutes (16 May and 26 June 1843): CO 209/24: No. 924.

³ FitzRoy to Stanley (15 April 1844): *P.P.*, 1845, xxxiii (H.C. 131), pp. 24-5.

⁴ FitzRoy to Stanley (14 October 1844): Bell and Morrell, *op. cit.*, pp. 574-6.

Nicholson settlers, who saw the northern land-sharks obtaining land for a song while they had had to pay £1 an acre, and being promised a title when their titles seemed past hoping for, were naturally indignant.¹ The proclamation was disallowed by the Imperial Government, but much mischief had been done meanwhile; and the Imperial Government cannot be acquitted of responsibility for the mischief, for private purchase of native land was the logical consequence of a policy making no provision for purchase by the Government.

FitzRoy's native policy, like his land policy, may be called the *reductio ad absurdum* of the policy pursued in New Zealand since Hobson's arrival. From the sound general principle that colonization must not be allowed to proceed regardless of the rights and interests of the natives, he seemed to deduce the quite illegitimate consequence that the rights and interests of the natives were necessarily inconsistent with those of the colonists. A case may be made out for most of FitzRoy's acts, taken separately, but taken together they lead irresistibly to the conclusion that he was totally lacking in the essential qualities of cool judgement, resolution, and consistency of purpose. It was doubtless unfortunate for the Governor that he was at once required to take a decision on the subject of the Wairau Massacre. His desire to do justice was interpreted as weakness: and the native custom alluded to by Dr. Thomson, which entitled him to claim the disputed land in satisfaction for the blood that had been shed, was perhaps unknown to him.² In August 1844 at New Plymouth he proceeded to set aside an award of 60,000 acres to the New Zealand Company, recognizing the claims of absentee natives, which Spain had disallowed. Thomson suggests that he should have confirmed the award, but ordered a further payment to these claimants;³ but the Taranaki land question caused so much trouble even

¹ *P.P.*, 1845, xxxiii (H.C. 378).

² Thomson, *Story of New Zealand*, vol. ii, p. 86. The view of *The Spectator* is perhaps worth quoting: 'The accused having asserted his own innocence, the judge, after winking for a space, pronounces judgement, acquitting the culprit, but begging him as a favour not to do so again if he can help it, and assuring him that the prosecutor shall be punished if he be troublesome' (21 September 1844).

³ Thomson, *op. cit.*, vol. ii, p. 92.

after Thomson's day that it is permissible to doubt whether this policy could have succeeded. Nevertheless it was unwise to give the impression that the Governor paid most attention to native custom when it might be invoked against the colonists; and there was sound sense in Stanley's warning, which of course came much too late, that he must hold an even balance between natives and settlers and rely 'not on private opinion but on legal decisions'.¹ It was not merely that he regarded with jealousy any interference with the lands of the natives: he seemed determined to impress upon their minds that they were the masters of the colony. He informed Lord Stanley that the militia he had been directed to organize would, in his opinion and that of his military advisers, be not only useless but dangerous.

'There is so much rancorous feeling towards the natives among some of the settlers, that arms cannot be trusted in their hands, unless in a case of the most extreme emergency. The fact of the settlers arming and training would alarm the natives and destroy their confidence in our ultimate intentions.'²

He did not appear to recognize that any of the responsibility for this state of affairs rested with the Government.

A further confession of weakness was the Native Exemption Ordinance of July 1844 which exempted natives from imprisonment in civil suits, and in cases of theft if they made restitution fourfold, and virtually entrusted to the chiefs the execution of warrants against all native offenders.³ Finally, FitzRoy showed himself more ready to listen to the natives than to his own Legislative Council on the question of financial policy. He had arrived in the colony to find the liabilities exceeding the assets by about £24,000 and the revenue likely to amount to about two-thirds of the expenditure. His first expedient was to issue interest-bearing debentures, and to suggest to Lord Stanley that Parliament should be asked to meet existing debts and to grant £10,000 to the colony for the next three years. Next he made the debentures legal tender, and raised the customs duties in the

¹ Stanley to FitzRoy (1 March 1845) (Separate): CO 406/4.

² FitzRoy to Stanley (19 October 1844): *P.P.*, 1845, xxxiii (H.C. 369), p. 33.

³ *P.P.*, 1845, xxxiii (H.C. 247), pp. 129-30. Lord Stanley refused to confirm the Ordinance and it was repealed by Grey.

face of a demand of the unofficial members of the Legislative Council that expenditure should be reduced instead.¹ Then he proceeded to box the compass. The imposition of customs duties and the establishment of the capital at Auckland had led to a considerable interference with the trade of the chiefs of the extreme north. FitzRoy yielded to the arguments of the friendly chief Tamati Waka Nene, abolished the customs duties, and substituted a property tax.

By April 1845 he was reduced to the humiliating position of reimposing the duties. For his policy had ended not only in bankruptcy but also, as a policy of peace at any price is apt to do, in war. In July 1844 Hone Heke, egged on by American and French intriguers, cut down the flagstaff at the Bay of Islands. FitzRoy was persuaded not to take up this challenge, though at the end of the year he was still sufficiently alarmed to ask for troops enough to overawe the Maoris.² But in January Heke again cut down the flagstaff, and on 11 March his sporadic outrages culminated in a general attack on Kororareka and the burning of the town.

Meanwhile the strife between the Colonial Office and the Company had been continuing, and Stanley was gradually being forced to yield some ground. In December 1844, convinced that nothing was to be hoped from Stanley, Buller appealed over his head to the Prime Minister. The Company, he said, had exhausted their capital, and while their land titles remained unsettled could not hope to recruit their finances. He besought Peel to save the colonists from being sacrificed to party animosities; to put an end to the disturbing doubt about the Company's land and the policy of Government in the colony.³ Peel of course referred the letter to Stanley, who admitted that he had no confidence in the Company, but claimed that this was due to 'the perpetual small trickery which from first to last has characterized their proceedings'. He had done all in his power, out of consideration for their settlers, to facilitate the adjustment of their claims, but the natives were numerous, warlike, and

¹ Strictly speaking the Ordinance raised the duties only on goods from Great Britain and the Australian Colonies, which hitherto had come in duty free.

² FitzRoy to Stanley (19 December 1844) (Confidential): *P.P.*, 1845, xxxiii (H.C. 369), p. 99.

³ Buller to Peel (14 December 1844): *Peel Papers*, vol. ccclxxv, f. 330.

well aware of their rights. 'I say, setting aside considerations of justice and good faith, I *dare* not act on the principles laid down by the Company and apparently supported by the Committee.'¹ 'I will do whatever you wish in this matter', replied Peel. 'I think you were quite right throughout.'² Despite this unpromising beginning Peel granted Buller an interview, but Stanley was unfavourably disposed towards both the suggestions that issued from it—the one that the Government should satisfy the native claimants to a million acres selected by the Company, the other that, alternatively, the Company should pay their debts and cease operations in return for a money compensation.³ Accordingly in March Buller turned aside from these private negotiations to the House of Commons and charged Stanley with failure to carry out the agreement of May 1843.⁴ There followed more argument on the question whether it lay with the Company or with the Government to extinguish the native title. After the debate, however, negotiations were reopened, on the initiative of Sir James Graham; and before long they reached a stage at which it was thought proper to inform the Directors of the Company. Buller had dwelt upon the differences between the northern part of the North Island and the rest of the colony, where the Company was conducting operations, and had put forward a scheme of proprietary government for the latter.⁵ On consideration, Stanley rejected the scheme, but he offered a compromise which appeared to Graham to be reasonable.⁶ Seemingly it was to the effect that the Government should buy out the Company.⁷ Hope, the Parliamentary Under-Secretary, was at first intractable and threatened to resign, but was apparently won over. Then came still another check. A report was put about that terms had been suggested by the Government in order to avoid a hostile motion in the House of Commons: Stanley's old suspicions of the Company

¹ Stanley to Peel (17 December 1844): *Peel Papers*, vol. cclxxxviii.

² Peel to Stanley (15 January 1845): *ibid.*

³ Stanley to Peel (11 February 1845): *ibid.*

⁴ *Hansard*, Third Series, vol. lxxviii, pp. 1094–1133.

⁵ *Eighteenth Report of Directors*, N. Z. Company: Appendix, pp. 39–50.

⁶ Graham to Peel (11 May 1845): *Peel Papers*, vol. cclxxi.

⁷ *Eighteenth Report*: Appendix, pp. 65–6.

returned, and he and Graham broke off negotiations.¹ The New Zealand Company appealed once again to Parliament.

For three days the House of Commons debated New Zealand affairs. Not since the Canadian rebellion had there been a colonial debate on such a scale. Buller led the attack on 17 June in the longest, ablest, and most eloquent of all his colonial speeches. He saw that the Company must take high ground, and he took it. He maintained that the Company were pursuing objects of national importance in spreading British power, British settlement, British language, arts, and institutions in the uttermost parts of the earth, and that the Government were to be condemned for preferring to listen to the counsels of missionaries who misrepresented for their own purposes the state of advancement of the Maori race. For the Maoris, he airily remarked, were certainly inferior to the Kaffirs and the American Indians. Doubtless we were bound not to deprive them of their actual possessions, and we ought to do our utmost to raise them to a higher state of civilization; but no lawyer or moralist had required us to allow to savages rights of which they themselves had no conception. The payments made to the natives were not in reality payments for their lands, but inducements to secure their consent to settlement in their neighbourhood: the real compensation to the natives lay in the value given to land which produced nothing before and in the permanent property secured to them for ever by the plan of native reserves adopted by the Company. Only by such an 'amalgamation' of the races could the natives be saved from degradation and annihilation. The spirit that had inspired the Treaty of Waitangi was excellent, but it was not to be put on a level with the Treaties of Westphalia and of Vienna. 'You would not be justified in enforcing or executing any stipulation incompatible with the well-understood interests of the people with whom you made it.' FitzRoy's abandonment of pre-emption was but the logical outcome of Stanley's misinterpretation of the treaty. The Governor would have been wiser to occupy himself for the present mainly with the colonists, to lessen the chances of jealousies and

¹ Graham to Peel (29 May 1845) enclosing Stanley to Graham (n.d.): *Peel Papers*, vol. cclxxi.

collisions by keeping them as far as possible apart from the natives and leaving the natives as far as possible alone. There was only one sovereign remedy for the ruin and despair to which the colony had come—self-government.¹

The policy propounded in Buller's speech was in many respects open to the same criticism that had been levelled against the 1844 report, and Hope in his defence of Stanley maintained that his policy was the only one that would work. Yet it could not be denied that the colony was in a bad way, and, though much of the blame might be laid at FitzRoy's door, it was difficult to escape the conclusion that the policy of the Imperial Government must in some particulars be susceptible of improvement. The speeches of Peel and Graham later in the debate were in fact largely composed of admissions and concessions. Peel went so far as to say that he considered the Treaty of Waitangi 'a most unwise one, even for the natives'—though he did not agree that that lessened its binding force. Graham put forward a new proposal for the settlement of land titles: all claimants to land, whether natives or settlers, were to be called upon to register their titles within a limited time, and then a tax was to be imposed upon waste lands. Both pointed out that representative government would raise difficult problems both of geography and of native policy, but their tone was extremely conciliatory. More was to be done in the way of encouraging local self-government; and Peel avowed that in view of the distance of New Zealand from the Mother Country he was strongly inclined to favour its claim, though not perhaps its immediate claim, to representative government.² These speeches were made on the last day of the debate, and it was well for the Government that they were made, for even as it was Buller's motion to go into Committee on 'the state of New Zealand and the case of the New Zealand Company' was lost only by 223 to 173.

The debate was not unjustly regarded by the New Zealand Company as a decided condemnation of Lord Stanley's policy. His whole position, said the *Spectator* triumphantly, had been surrendered, and 'the morbid feelings of Fowell

¹ *Hansard*, Third Series, vol. lxxxi, pp. 666-726.

² *Ibid.*, pp. 914-29 (Graham): 947-63 (Peel).

Buxton's aera' were at an end.¹ This opinion was shared by *The Times*, which, though never a partisan of the Company, caught up a happy phrase of Sheil's and warned Lord Stanley that, if he wished to retain office, he must cease to indulge his 'splenetic authoritativeness and fractious sophistication' at the expense of New Zealand.² And Stanley did take warning. He instructed the new Governor, Captain Grey, to issue conditional grants as soon as possible for the lands selected by the Agent of the Company under the terms of Mr. Pennington's award, and to report why the instructions of May 1843 had not been complied with;³ and he offered also an immediate grant at Otago, where the Free Church of Scotland proposed to form a settlement and where FitzRoy had already allowed the Company to make a purchase under the superintendence of a Government officer.⁴ At the same time, by a secret dispatch, he took a step which a statesman would have taken long before. He recognized that, whatever the rights of the matter, the unsettled state of the Company's claims was injurious to the colony and embarrassing to the Government. Grey was accordingly authorized to employ £10,000 in the purchase of lands. Should the Company be unable otherwise to obtain possession of lands to the full extent of the Pennington award, those lands should go to the Company: alternatively, they should be brought into the market in the ordinary way, and the original sum reinvested in further purchases.⁵

The Company, however, were unaware of the existence of the secret dispatch, and complained that Stanley was failing to fulfil the expectations raised by Peel and Graham. And certainly on the subject of representative government Stanley seemed to be hedging. In his dispatch he laid very little emphasis on the principle and much, as was his way, on the objections to it—the position of the natives, who could hardly be admitted to the franchise nor yet with justice be subjected to a popular body representing interests in many ways opposed to theirs, and the small number and extreme

¹ *The Spectator*, 21 June 1845.

² *The Times*, 20 June 1845.

³ Stanley to Grey (27 June 1845): *P.P.*, 1845, xxxiii (H.C. 517-I), p. 8.

⁴ *Ibid.*, (H.C. 369), pp. 54 ff.

⁵ Stanley to Grey (28 June 1845) (Secret): CO 406/4.

dispersion of the European inhabitants.¹ However, when Buller raised the question again in the House on 21 July, he did not obtain much satisfaction. Peel vigorously defended Stanley, and showed that there were decided limits to the concessions he was prepared to make to the Company.

'If, as I think it is, the question be, whether the Crown shall, upon its own responsibility, undertake to dispossess, by force and against the will of the inhabitants, the natives from certain lands desired by the New Zealand Company, let us, then, have no mistake on the point. . . . I tell you at once that we are not prepared to give you any such assurance.'

Nor did he take much account of the argument that Stanley had not gone far enough in the direction of representative government. He brought out clearly the importance of local government in New Zealand and indeed foreshadowed the provincial system which was adopted in 1852, but he did not commit himself any further on the general question.² Buller's motion of censure was lost by 153 to 89, and the debate perhaps chiefly served to clear the air. The comments of *The Spectator* show that Peel had had cause to defend the Treaty of Waitangi.

'Contracted in ignorance and fraud—productive of poverty, extortion, and outrage—upheld merely as a cloak for swindling—still the decorous Sir Robert Peel maintains that this precious Treaty must be observed, because Governor Hobson and some score of New Zealand chiefs, who had no authority to bind the rest, performed the farce of an exchange of promises.'³

Within the limits as now defined, however, it was possible to make further progress, and when it came to the point both sides were ready to talk business. Stanley agreed that delegates from the municipalities should be summoned to the Legislative Council, provided that they should not form an absolute majority. He further agreed to waive the preemptive right of the Crown in what were known as 'the Company's districts' in both islands.⁴ Shortly afterwards he

¹ Stanley to Grey (27 June 1845): Bell and Morrell, op. cit., pp. 88–9.

² *Hansard*, Third Series, vol. lxxii, p. 1007.

³ *The Spectator*, 26 July 1845.

⁴ Hope to Ingestre (7 August 1845): *P.P.*, 1845, xxxiii (H.C. 661).

made a third concession: recognizing that injury might result to the colonists from the discontinuance of the Company's operations, he agreed to ask Parliament to sanction a loan to the Company of £100,000 at 3 per cent.¹ In October still another step was taken towards a final settlement, and the amount of land to which the Company had an admitted claim was fixed at 1,300,000 acres.² Stanley had at last given up his sterile opposition to the Company, and had begun to act upon the principle that regard for the interests of the natives was quite compatible with the encouragement of colonization.

When, in December 1845, Stanley made way for Gladstone, who had taken no part in New Zealand controversies, it seemed to Wakefield a good opportunity to ask if the concessions already made might not be carried further still. If the land question was in a fair way to settlement, might not more account be taken of the Company's views in the matters of self-government and native policy? In a letter dated 20 January 1846 he developed further some of the ideas contained in Buller's scheme of proprietary government. Let it be granted that in an evil day the Treaty of Waitangi had come into being: but at least let it be recognized that it was properly applicable only in the north. There let us abstain from trying, for the present, to enforce British law, merely appointing officers to instruct the natives in useful arts and in the English language and encouraging the missions. Within the 'municipalities' of the south there should be native reserves, schools, a native militia, but no exceptional laws. 'In time, though not generally perhaps during this generation, the pale of the settlements would be extended with the understanding consent of the outside natives': the native race as such would slowly but inexorably disappear, and that amalgamation of the races would take place which was so conspicuous in the Company's settlements and—a strange admission for a systematic colonizer—at Kororareka. Wakefield also, like Peel, emphasized the municipal aspect of self-government, but the municipal powers that he proposed were practically powers for provinces—pro-

¹ Hope to Young (30 August 1845): *P.P.*, 1846, xxx (H.C. 271), pp. 6-7.

² Stephen to Young (28 October 1845): CO 406/7.

vinces much more loosely united and much more independent than those created by the Act of 1852.¹

In regard to self-government Gladstone was prepared to go much farther and faster than his predecessor. Eleven days after the receipt of Wakefield's letter we find him writing to Grey:

'The desire and purpose of Her Majesty's Government is, that the colonists of New Zealand, being as they are of British blood and birth, and not affected otherwise than as it may be casually by the infusion of actual and emancipated convicts into their community, should undertake as early and with as little exception as may be, the administration of their own affairs. This desire you will consider as the key to the particular instructions of my predecessor; by it they are to be tried, to be harmonized, and to be interpreted.'

One limiting principle there was to be: 'I conceive it to be an undoubted maxim, that the Crown should stand in all matters between the colonists and the natives.' The infusion of the popular element into the Legislative Council directed by Lord Stanley was, however, to be regarded merely as a beginning. Large powers should be granted to the municipalities; but the General Government was not to fade away altogether as Wakefield desired.² In March Gladstone asked the Governor to suggest a plan of representative government, based perhaps on a division of the colony, which he was inclined to think desirable;³ in May he was seriously considering the question of passing an Act on these lines without waiting for the Governor's views.⁴ When he went out of office New Zealand was in fact on the point of receiving self-governing institutions.

The native policy suggested by Wakefield's letter was more controversial. The New Zealand Company developed his views further; urged that the settlements in the north should be broken up with compensation to the settlers, the right of pre-emption strictly enforced there, and no settlement permitted except in special cases; and went on modestly

¹ Wakefield to Gladstone (20 January 1846): CO 209/50.

² Gladstone to Grey (31 January 1846): *P.P.*, 1846, xxix (H.C. 400), pp. 79-80.

³ Gladstone to Grey (18 March 1846): *ibid.* (H.C. 337), p. 168.

⁴ Gladstone to Grey (26 May 1846): CO 406/6. On 22 June Peel virtually promised to bring in a Bill in the course of the session: *Hansard*, Third Series, vol. lxxxvii, p. 809.

to suggest that it be entrusted with the entire business of colonizing New Zealand and the entire rights of the Crown in its soil.¹ The Government were not prepared to go so far as to institute entirely different systems in north and south: but they considered that the presence of the natives in greater numbers in the north, the possible difficulties in re-establishing there the Crown's right of pre-emption, the distance and infrequency of communication between the settlements, the differences of feeling, the special relations of the southern settlers to the Company, did afford reasons for some political division.² They went some of the way, in short, with Wakefield; and when Peel resigned the Company and the Colonial Office were closer together than ever since 1840, and a real reconciliation seemed to be in sight.

Yet it is questionable whether the long negotiations of 1845-6 and the spinning of theories and planning of constitutions by which they were accompanied had very much effect upon the destinies of New Zealand. Far more fateful was the appointment of Captain George Grey as Governor the previous year.³ It was due in no small degree to the manifest failure of Captain FitzRoy that Stanley had had to abandon his uncompromising opposition to the views of the New Zealand Company: but FitzRoy's failure was one that had to be retrieved in the colony itself. Thanks to the war, Grey's instructions, whilst still containing the old familiar phrases, also enjoined him to require and enforce implicit subjection to the law, and intimated that the military force in the colony would be increased; but what mattered far more than this change of tone was the fact that when Grey arrived the colony for the first time felt the hand of a master. Out of the generalities of his instructions he fashioned a native policy peculiarly his own. From the very first he proposed to repair one notable omission on the part of previous Governors and gain a personal influence over the chiefs.⁴ By January 1846 he had captured the *pah* of one of the rebel leaders, Kawiti, secured the submission of the

¹ Report of 'Secret Committee' of N. Z. Company (1 April 1846): CO 209/48.

² Gladstone to Grey (26 May 1846): CO 406/6.

³ For a time Grey was only Lieutenant-Governor: he was given the option of refusing the Governorship and the permanent appointment it implied.

⁴ Grey to Stanley (22 November 1845): *P.P.*, 1846, xxx (Cmd. 712), p. 4.

rebels, granted them a general amnesty, and prohibited the importation of arms. No previous Governor had dared to take such a step as this. Yet at the same time, hearing that the Maoris had read Buller's speech and that even friendly chiefs were suspicious of some plan to deprive them of their lands, Grey gave them assurances to the contrary.¹ It was a reminder that colonists and Company must not reckon without their hosts. It was an indication, too, that Grey did not intend to shape his policy according to political exigencies in England. New Zealand had been too much the sport of factions, each busy with the advocacy of a principle of its own and disinclined to pay attention to inconvenient facts. It was well that there should at last be a man on the spot with the judgement, the resolution, the clear broad views required to reconcile principle with principle in the light of a knowledge and grasp of realities.

The appointment of Grey is perhaps the only action of Stanley in New Zealand affairs that can be unreservedly praised. For, in general, the story of the policy pursued by him in relation to New Zealand is a story of controversy rather than of achievement. The colonization of New Zealand had been ushered in by a contest between the missionary point of view and the point of view of the systematic colonizers. The New Zealand Company thought the two points of view irreconcilable, and Stanley allowed himself to be manœuvred into a position in which he appeared to accept this as a fact and to take the opposite side in the contest. To him, to Hope, and to Stephen the interest of the natives were paramount: the primary duty of the Government was to the native race. They were not opposed to colonization as such. They believed that there were lands unclaimed by the natives on which colonists might thrive: they were ready, in the interests of the colonists, to help the Company to extricate itself from the morass in which its own rashness and Colonel Wakefield's careless haste had plunged it. But they were determined to maintain the Treaty of Waitangi as the foundation of their policy: colonization must take place within the limits assigned to it by the Treaty. And they distrusted the Company, and above

¹ Grey to Stanley (24 November 1845): CO 209/38.

all its guiding spirit, Gibbon Wakefield, profoundly. They thought that the very agreement which formed the foundation of its claims had been obtained by misrepresentation. They disliked the tone of its letters. They believed that its real object was to nullify the Treaty of Waitangi and establish its rights regardless—for all its high-sounding theories—of the rights and interests of the natives. And consequently they believed it their duty to resist its pretensions to the utmost—to resist them because the honour of England was involved in the maintenance of a treaty, because the interests of England and of the settlers too were involved in the avoidance of the inevitable result of such a policy, a bloody and expensive war.

Yet it was not unnatural that the Company should regard such resistance as resistance to the whole principle of colonization. It was one of the articles of belief of Wakefield and Buller that the Colonial Office took no interest in colonization unless under compulsion; that it was only too ready to seize upon such a pretext for inaction as it had in the Treaty of Waitangi. It made professions of friendliness to colonization; but it never translated its professions into action. In every dispute it took the natives' side. It was afraid to enforce its authority against them. It allowed interested missionaries to put into the natives' heads ideas which were not there before about their rights to land. Concessions which it would not make to the genuine colonists of the south it made, under pressure, to rapacious land-sharks in the north. Now Wakefield and Buller believed such an attitude to be nothing less than a crime. 'It seems to be wicked', said Buller, 'to dispute the right of man to cultivate the wilderness.'¹ Colonization was the best means of civilizing the natives, of promoting 'amalgamation of the races', without which the natives were doomed to disappear. By all means let settlement be gradual; let it take place in the thinly populated regions; let civilizing influences gradually diffuse from the centres of white settlement. But that the Colonial Office should encourage the natives in their opposition to an inevitable process, maintain them in rights which were contrary to their own interests, and devote

¹ House of Commons, 17 June 1845: *Hansard*, Third Series, vol. lxxxi, p. 676.

its main energies to the dying rather than to the conquering race—this was an outrage not to be submitted to.

Controversies on matters of principle are often fruitful: 'success in political construction requires not only the co-operation, but the free conflict of many minds and wills.'¹ This however was not a fruitful controversy: the two parties learned perhaps that neither could triumph completely, but the colony itself gained nothing. A conflict of wills there certainly was. Wakefield was restlessly striving to 'realize his own idea' and have his own way in the colonization of New Zealand. When the Company is losing, this ulterior aim of his does not appear, but it emerges again when things are going well. The Colonial Office resented and resisted these intrusions of an irresponsible adventurer into a sphere that properly belonged to Government. It was, moreover, far more alive than Wakefield and the Company to the real difficulty of the native problem. It had in short good reason to be suspicious of Wakefield's aims. Yet, on the other hand, it must be said that Stanley was much to blame. It is not so much that he failed to realize how deep a devotion to a principle lay behind Wakefield's lack of scruple and love of power. It is rather that he lost sight of statesmanship in personal feeling. It would not be fair to identify Stanley with all the errors and extravagances of Shortland and FitzRoy—though it was he, after all, who chose FitzRoy—but it can fairly be said that his interest in colonization was passive rather than active; that he failed to realize the paramount importance of ensuring the peaceful progress of settlement in New Zealand and the desirability of coming to terms with the Company, as after all the principal agent in promoting settlement. It was not fair to penalize the colony for the misdeeds of the Company. When Peel brought a more reasonable spirit into the discussion, and still more when Gladstone took Stanley's place, the Company proved more amenable, and it soon became clear that personal animosities had exercised a fatal influence upon policy. Stanley was quite right in thinking that it was neither just nor safe to interfere with the Waitangi Treaty, but in the ardour of battle he shut his eyes to the fact that the real

¹ Graham Wallas in Mills, *The Colonization of Australia*: Introduction, p. xvii.

aim of the Treaty was after all to transfer from individuals and voluntary associations to the Imperial Government the responsibility for the colonization of New Zealand. It was the business of Government to mediate with authority between colonists and natives and, as occasion offered, to purchase land. Both Stanley and his Governors, until the appointment of Grey, failed to see the need of such a positive policy.

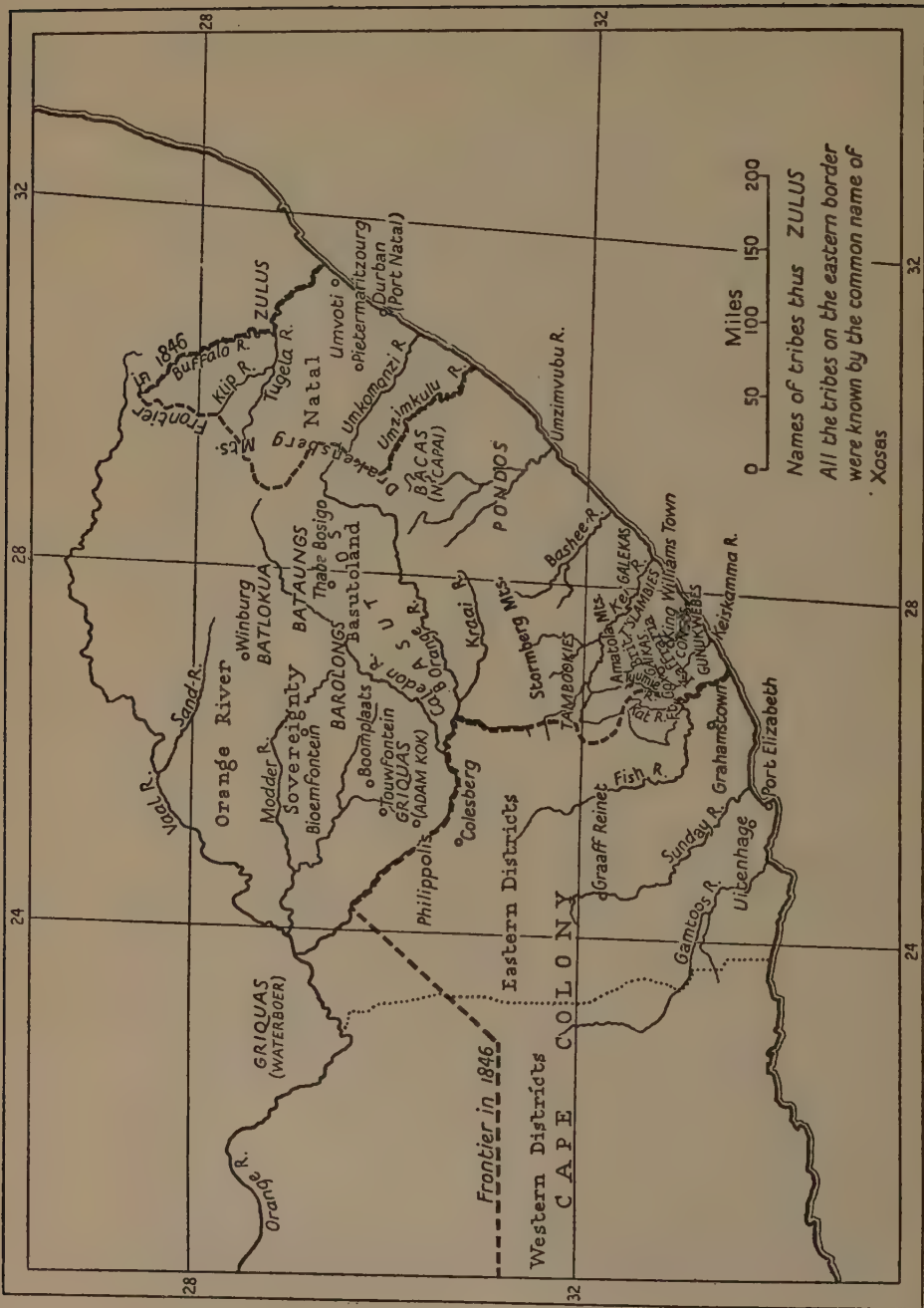
VI

BOERS AND KAFFIRS IN SOUTH AFRICA

THE main problems of the Cape Colony in 1841 were frontier problems. The Capetown petition of that year for a representative assembly was a mere isolated incident. Lord Stanley rejected the prayer of the petition, supported though it was by the Governor himself, for various reasons—the weakness of the Executive which Canadian experience seemed to foreshadow, the peculiar dispersion of the population, above all the danger that power might be used by a dominant caste for ‘promoting their own interests and prejudices, at the expense of those of other and less powerful classes’¹—and the petitioners were silenced. The status of the Hottentots and other coloured inhabitants of the colony, recently a burning question, had lost something of its inflammatory quality: the Masters and Servants Ordinance of 1842 made no distinctions of colour, but it was not complained against. The perennial question of the relations of the border colonists and the tribes beyond the border, on the other hand, was very much alive, and it had recently been complicated by the Great Trek, which had made the whole of the modern Union a borderland of the Cape.

On the eastern border the new treaty system, inaugurated by Stockenstrom, was still in force, though Stockenstrom himself had given up the struggle with frontier opinion and retired from his office of Lieutenant-Governor. Under the terms of the original treaties, the farmers were not allowed to follow the spoor of their cattle over the border, but were obliged instead to resort to the *pakati* or chief’s agent, or to the British diplomatic agent with the tribe, making in each case a sworn statement of their loss: in the last resort the chiefs undertook to indemnify them: but cattle not guarded by an armed herdsman were irreclaimable. The chiefs valued the treaties as safeguarding their lands and property, but connived at infringements of them: the farmers observed them, but denounced them as a mere legalization of cattle-

¹ Stanley to Napier (15 April 1842): Bell and Morrell, op. cit., pp. 47-53.



Names of tribes thus ZULUS
 All the tribes on the eastern border
 were known by the common name of
 Xosas

stealing: the Governor, Sir George Napier, realized their imperfections but endeavoured to enforce them. He had soon perceived that the depredations of the Kaffirs had not been stopped, and in December 1840, fearing that the farmers might otherwise take the law into their own hands, he secured the agreement of the chiefs to certain modifications. Herdsmen had no longer to be armed: the farmers were allowed to go, unarmed, into Kaffirland, and seek for cattle that could be traced thither: and the chiefs undertook to arrest murderers and punish them according to Kaffir law.

Napier, admitting as he did that there could be no guarantee that improvement would follow, still thought the treaties the best means of mitigating an inevitable evil. It was true that many of the chiefs, especially the Gunukwebes near the coast, might ere long spontaneously ask to be placed under British authority, and this would be to the general advantage.

‘Under the protection of Her Majesty’s Government, and under the jurisdiction of laws adapted to their ideas and their wants, these tribes would be brought by education and example to abandon many of the barbarous customs which they still retain, and by the better cultivation of the fertile country which they inhabit might be induced to leave off their erratic and predatory habits, thus becoming honest and useful members of society, instead of remaining, as they are at present, a source of annoyance to the colonists and of never-ceasing uneasiness to the Government.’¹

But the chiefs must be left to reach this conclusion for themselves.

‘The Kafirs will gradually become amalgamated with the colony; but the attempt to use the strong arm of British force would, as it appears to me, my Lord, be the most certain means of postponing a state of things, which in due time must grow out of our present relations with them.’²

At his recent interview with the Gaika chiefs they had expressed contrition and did not attempt to palliate their faults.

‘Many of the chiefs are very anxious to put a stop to depredations, and some have been tolerably successful in their endeavours to restrain their people; but when it is considered that in Caffraria the rank and

¹ Napier to Russell (7 January 1841): *P.P.*, 1851, xxxviii (H.C. 424), pp. 81–3.

² Napier to Russell (10 July 1841): *ibid.*, pp. 87–8.

estimation of an individual depends in great measure on the numbers of his herds; that an extensive illicit barter of firearms and gunpowder for cattle is carried on; that the purchasing of wives for cattle and polygamy prevail throughout; that the crime of theft is not looked upon as disgraceful; and that in many cases great carelessness in protecting their property is displayed by the farmers, it is not difficult to account for the frequency of depredations, particularly in a country so adapted by nature for the concealment and escape of thieves.’¹

After all, the treaties had brought good as well as evil in their train. ‘An unarmed colonist in search of stolen property may now traverse Caffraria with as much safety as he can travel through the colony itself.’ It was better to pay compensation to farmers out of the Colonial Treasury than to resort to force; for, vexatious as these depredations were, war was a worse evil, unless they became so intolerably frequent as to make force a plain necessity.²

This line of reasoning was accepted by the Colonial Office, and the advent of Stanley produced no change in policy—though Stanley thought it might be advisable signally to punish a flagrant violation of treaty by a chief.³ In 1843, however, the situation altered for the worse. In June the chief Tola was expelled from the immediate border with the acquiescence of the greater chiefs, but he was soon back again: the Gaikas agreed to degrade him from his chieftainship, but the conduct of some of them had been highly suspicious. The frontier united in an agitation for a return to the D’Urban system. The Lieutenant-Governor, Colonel Hare, had lost patience with the treaty policy. ‘I have talked till I am tired with the chiefs’, he wrote to the Governor; ‘on every occasion they make me fair promises, which are never performed.’⁴ He agreed with the farmers’ view of the situation. The technical and formal difficulties put in the way of the recovery of cattle were such as to defeat substantial justice. The diplomatic agents identified themselves with their tribes. ‘Nothing but coercion prudently, justly, and judiciously conducted will ever have the effect of checking

¹ Napier to Russell (1 June 1841): *P.P.*, 1851, xxxviii (H.C. 424), pp. 83–5.

² *Ibid.*

³ Stanley to Napier (26 January 1843): CO 49/36.

⁴ Hare to Napier (6 August 1843): *P.P.*, 1851, xxxviii (H.C. 424), p. 133.

the predatory habits of the Caffers.’¹ Sir George Napier continued to think there was no alternative to the treaty system. He doubted the practicability of the D’Urban policy of ‘subjecting to British laws and customs a semi-barbarous people not sufficiently instructed to understand the principles upon which the laws intended to be applied to their government are founded’. He did not believe in coercion, which meant simply a return to the days of the commandos.

‘I consider the effect of every patrol entering Caffreland, independent of the continual danger to the peace of the frontier arising from collisions between the military and the Caffres, would be, to postpone the great object of these treaties, viz., to raise the Caffres in the scale of civilization, by appealing to their sense of justice for restitution of our property, rather than extorting it by force of arms. Until the Caffres are taught by the progress of education to respect the treaties from the same motives which induced the colonists to adhere to them, there appears to me to be no other means by which the Government can legitimately produce an improvement in the security of the property of the farmers, except through the intervention and co-operation of the chiefs.’

But even he admitted readily enough that the farmers had their grievances, and that the treaties might be improved by making it more to the interest of the chiefs to check and discountenance depredations. A yearly salary might be paid to them, contingent on the good conduct of their tribes.² At the same time it might be stipulated that thieves should be surrendered for trial in the colony; they might be subjected to the ignominy of corporal punishment; and grants might be made in aid of moral and religious education.³ Napier was a fair-minded man, conscious of his responsibility as Governor for the security of the colonial border, and anxious at the same time to consult the best interests of the tribes and to promote their progress towards civilization; but he did not see that the D’Urban system, whatever its imperfections, offered, just because it meant control, the best hope both of frontier security and of native progress.

¹ Hare to Napier (13 November 1843): *P.P.*, 1851, xxxviii (H.C. 424), pp. 182–6.

² This suggestion apparently originated with Dr. Philip: see Macmillan, *Bantu, Boer, and Briton*, p. 233 n.

³ Napier to Stanley (4 December 1843): *P.P.*, 1851, xxxviii (H.C. 424), pp. 180 ff.

Napier's view prevailed in the Colonial Office, despite the questionings of the Under-Secretary, Hope. One-sided treaties, in Hope's view, were useless, and education would be useful only in the long run. 'To expect the colonists to submit to be plundered until a new generation shall arise better educated than the present is out of the question.'¹ Stephen took matters more philosophically. We had no right to return to the D'Urban system, and no power except at the expense of an inglorious war; and coercion was no remedy at all. The insecurity of the border cattle-farmers was no doubt a sore annoyance to them; but they had chosen to settle in the neighbourhood of these marauding tribes and they must take the consequences; they had no claim to be rescued at the expense of the British nation.² Stanley inclined to Stephen's view; but he held that the infractions of the treaties by the Kaffirs absolved the Government from the obligation of a strict adherence to them and gave it the right to insist on their modification;³ and Sir Peregrine Maitland, who went out in early in 1844 to succeed Napier, was authorized to modify them accordingly.

Maitland's first step was to make new treaties with Kreli, the principal chief of the Transkei, and Faku, the most influential chief of the Pondos further east. These chiefs guaranteed to restore stolen cattle traced to their territory, or make compensation for them; to deliver up colonial criminals; to facilitate the attendance of witnesses required by the colonial courts; to protect missionaries, traders, and other British subjects residing in their territory and passing through it; to pay heed to their Resident Agents; and to keep peace with their neighbours. Each was to receive an annual payment of £75 so long as these conditions were observed.⁴ The treaties with the chiefs on the border itself were then revised. New provisions were inserted to facilitate the recovery of cattle and to weaken some 'immoral and

¹ Minute (6 February 1844): CO 48/233: No. 140.

² Minute (9 February 1844): Bell and Morrell, *op. cit.*, pp. 500-1. But, as Hope pointed out, this portion of the frontier had been settled by a Government emigration specially directed to the spot.

³ Stanley to Maitland (11 March 1844): *P.P.*, 1851, xxxviii (H.C. 424), pp. 267-8.

⁴ Maitland to Stanley (7 December 1844): *ibid.*, pp. 227-32.

superstitious customs'. Payments were to be made to the T'Slambie, Fingo, Congo, and Tambookie chiefs and to the Gaika Eno, but not to the other Gaika chiefs. 'Their plunder', said Maitland, 'has been too profitable to make them care for any sum we can offer as a condition of it being abandoned, and kindness has hitherto had no effect on their haughty and faithless spirit, which requires coercive measures to subdue it.' The last item of Maitland's policy, significantly enough, was the establishment of a new military post in the Gaika country.¹

If, however, the old treaties had worked ill, the new treaties did not work at all. The colonists welcomed the change of policy, but it did not silence frontier complaints. Maitland himself had no faith in the efficacy of treaty engagements, and simply sought to act on the chiefs through the motives of fear and self-interest, and on their tribes by fear alone: it was but one step from that to frank coercion. He had, at the same time, thrown over all pretence that the treaty system rested on free consent, and had thus left the chiefs with a new sense of grievance. 'Patrols and forts had come again, loss of lands would surely follow.'² Not unnaturally the war party among the Kaffirs, and among the young men in particular, grew in strength. There was trouble over the survey for the new military post. Maitland professed himself loth to urge the expulsion of the Kaffirs from the 'ceded territory' between the Fish and the Keiskamma, although the recent treaties had expressly recognized that they held it only on good behaviour; and he did not think that annexation without expulsion would enable the Government to do any more than they could already do by treaty;³ but when in March 1846 the Kaffirs rescued a prisoner on his way to trial in the colony for the theft of an axe he felt himself driven to coercion. He announced his determination 'to punish these chiefs and their confederates, and to crush, as far as possible, the Kaffir war party in general'.⁴ It meant, of course, war.

¹ Ibid.

² Walker, *History of South Africa*, p. 235.

³ Maitland to Stanley (21 March 1846) and Enclosures: *P.P.*, 1847, xxxviii (Cmd. 786), pp. 25-9, 71-7. The 'ceded' or 'neutral' territory was the country which the treaty between Lord Charles Somerset and the chief Gaika in 1819 had vainly proposed to keep empty both of settlers and of tribesmen.

⁴ Maitland to Stanley (31 March 1846): *ibid.*, p. 104.

The treaty policy had broken down. It had originated in an attempt to please both the English humanitarian and the English taxpayer, but although Stockenström, who may be regarded as the principal author of the policy, was a man of long colonial experience, it was all along too much of an English and too little of a colonial policy. Stockenström's long views soon lost most of their influence. 'The treaties were judged more and more exclusively as police measures for the protection of the farmers' cattle';¹ and it was almost inevitable that they should be so judged, for the frontier was preoccupied with the question of security. The colonists doubtless expected the impossible, and the economic progress of the eastern districts during these years, and particularly the expansion of wool-growing, testifies to some exaggeration on their part of the grievances from which they suffered. But their grievances existed, and naturally loomed large in the eyes of harassed administrators. The whole treaty policy was obnoxious to colonial opinion; it is hardly possible to condemn the men who had to administer it for attempting to remedy the grievances by tinkering with the treaties. It may well be that, taking the long as opposed to the short view, the Kaffirs required to be protected against colonial land-grabbing more than the colonists against Kaffir cattle-stealing; but the colonists were right in thinking that security must somehow be established if the frontier problem was to be solved at all. Security was essential even from the point of view of the civilization of the natives. What could the missionaries or the diplomatic agents or the traders hope to effect without it? To the natives, no doubt, security wore a different aspect: their hearts were 'sore about the land'. As soon as the treaties were tinkered with—if not before—they too began to feel insecure. The treaty changes, the military posts, the drought, the events in the north, unsettled them and finally brought them to the desperate expedient of war.² The British Government was less directly interested in security so long as peace was preserved, but in the long run peace itself is impossible without security, and when the treaty policy ended in war it had ceased to

¹ Macmillan, *Bantu, Boer, and Briton*, p. 239.

² On all this see *ibid.*, pp. 234–55.

please anybody. It was natural, perhaps, that Lord Stanley and his Governors should give it an extended trial, in the hope of limiting Imperial responsibilities in South Africa, but it was in reality bound to fail. Mistakes may have been made: the Government may, as Professor Macmillan suggests, have thought too much in terms of military measures and too little in terms of police. But the reasons for the failure lie deeper. The Government could not in practice disclaim responsibility for keeping order on the frontier: uncivilized tribes could not be expected to maintain order in frontier conditions unaided: and in the long run the only effectual method of maintaining order was to assume control.

If the border tribes were a perplexing problem at this time, the trekkers were a problem more perplexing still. They remained subjects of the Queen. Were they to be merely left alone, or were they to be followed up and effectively controlled? In 1841 this question was insistently demanding an answer in Natal, whither most of the trekkers had gone. A small trading settlement of Englishmen had existed for some years at Port Natal or Durban. The Cape of Good Hope Punishment Act of 1836 made them amenable to the Cape courts, but they were denied, despite importunate requests, the benefits of annexation. In November 1837 the Boer leader Retief negotiated a large cession of territory with the Zulu chief Dingaan, and Retief's murder in February 1838 and the Boer revenge at Blood River in December intensified their determination to keep the land. The Zulu troubles induced Napier to send a detachment of troops to Port Natal, but this was withdrawn a year later, the Secretary of State (Glenelg) being opposed to anything savouring of annexation. The Boers organized themselves into a Volksraad, and in September 1840 definitely requested recognition as a free and independent people.¹ In January 1841 they elaborated this request into a detailed proposal. They asked for a close alliance, and for the tariff privileges of a British colony; they promised to remain neutral in the event of war between Great Britain and any other power, to grant free passage to British troops in case of war between the colony and the Kaffir tribes, to make no war upon the tribes to the

¹ Bell to Vernon Smith (9 October 1840): Enclosure: CO 48/208.

southward without due notice, stating the cause, to the Colonial Government, and not to extend their boundaries or make any hostile movement against the border tribes unless first attacked; they undertook to encourage the spread of the Gospel and the civilization of the tribes, to prohibit the trade in slaves, and to protect British subjects residing in the country.¹ What answer was to be given?

Napier had all along been in favour of annexation. On 16 October 1838 he had written:

'It appears to me that the British nation and your Lordship will never consent either to my allowing some thousands of emigrants and their women and children to perish from want or by the sword (however culpable they may certainly have been in quitting the colony and daring to throw off their allegiance), or permit my letting them attack and slaughter the natives of the countries they invaded.'²

On 22 June 1840 he returned to the point. He did not believe the general treatment of the natives by the Boers to be unjust, but a strong British authority was the only ultimate security: some at least of the Boers, he thought, would welcome it as enabling them to follow their agricultural pursuits in peace: and besides it was risky to leave such a seaport as Durban in the hands of a largely hostile body of adventurers.³ In December the attack of a Boer commando on the chief N'Capai—not perhaps unjustifiable from the Boer point of view, but carried out in a manner difficult to defend⁴—gave point to Napier's arguments. Annexationist views had wide support both in South Africa and in England. Lord John Russell, who approached the question with less of a prejudice against annexation than Lord Glenelg, was gradually won over. By June 1840 he had come to the point of instructing the Governor to reoccupy the port: but he was not prepared to expend large sums of money on the conquest of the country, and desired therefore that the Boers should be conciliated and in fact entrusted with self-government.⁵ His answer to the Boer proposal was that

¹ Napier to Russell (11 March 1841): Enclosure: CO 48/211.

² Napier to Glenelg (16 October 1838): Bird, *Annals of Natal*, vol. i, pp. 418–20.

³ Napier to Russell (22 June 1840): CO 48/208.

⁴ See Cory, *The Rise of South Africa*, vol. iv, pp. 120–1; Agar Hamilton, *The Native Policy of the Voortrekkers*, p. 143.

⁵ Russell to Napier (5 September 1840): CO 49/34.

Her Majesty could not acknowledge the independence of Natal, but that on receiving a detachment of troops they would be given the trade privileges of a colony, and they would not be interfered with unless the troops or friendly Kaffir tribes should be attacked.¹ Lord Stanley, however, coming into office shortly afterwards, endeavoured to set back the clock. He was perhaps not uninfluenced by the vigorous protest of Stephen against any policy of expansion in South Africa.

'To make a new settlement at Port Natal, where there is not even an accessible port or a safe roadstead, would be merely to throw away so much money, and to multiply our relations and responsibilities towards barbarous tribes, from which nothing could ever come but the consumption of treasure, the waste of human life, and a warfare alike inglorious, unprofitable, and afflicting.'²

Whatever his reasons, Stanley sought to find a way out of the dilemma by forcing the Boers back into the colony, offering an amnesty to those who returned, but placing those who remained under an interdict and affording military aid against them, if necessary, to any of the Kaffir tribes with which Her Majesty was in alliance.³

His hand, however, had already been forced. On 2 December 1841 Napier had intimated to the Boers that he was about to reoccupy Durban, and had denounced the proposed location of natives from Natal in territory claimed by the chief Faku. It was, he pointed out to the Secretary of State, an indication that the Volksraad was very unlikely to deal satisfactorily with the natives—or indeed, distracted as it was by jealousies, with the land question in any of its shapes.⁴ The Volksraad, however, protested against his proclamation—denying that it was animated by any feeling of hatred against the English nation, but reasserting the old grievances of the emigrants against English government⁵—and when Captain Smith arrived with troops he was soon

¹ Russell to Napier (26 June and 21 August 1841): *ibid.*

² Minute of Stephen (31 January 1842): CO 48/214: No. 283.

³ Stanley to Napier (10 April 1842): CO 49/34. See also *Hansard*, Third Series, vol. lxii, pp. 1168–9.

⁴ Napier to Russell (6 December 1841) and Enclosure: CO 48/214.

⁵ Reply to Sir G. T. Napier's Proclamation (21 February 1842): Eybers, *Select Constitutional Documents illustrating South African History*, pp. 167–73.

involved in hostilities. Colonel Cloete, arriving with reinforcements, called upon the Boers to acknowledge the Queen's authority and break up their military organization, but offered liberal terms; and on 15 July 1842 the Volksraad, despite the opposition of a considerable number of the Boers, submitted. Meanwhile Napier gently but firmly informed Lord Stanley that all South African history showed that his policy would not work.

'The consequence of this policy has been seen in the massacre of the native tribes, the course of the emigrants having always been traced in blood, much of which might have been saved, had the hand of Government directed and controuled an emigration, which it was impossible to prevent.'

He strongly advocated that the territory bounded by the Tugela on the north, the Umzimvubu on the south, the Drakensberg inland, should be retained and colonized: if the irreconcilables did go further into the interior they would be less dangerous there.¹

The fighting aroused Stanley's pugnacious instincts, and he acquiesced willingly enough in Napier's departure from his instructions to withdraw the troops from Natal.² The cogent arguments of the Governor for annexation were reinforced, too, by news that a Dutchman named Smellekamp had visited Natal as supercargo on a trading vessel and encouraged the Boers to ask for intervention by Holland. Representations were immediately made at the Hague, and Smellekamp was disavowed by the Dutch Government: but Sir E. Disbrowe's opinion was that behind Smellekamp were 'certain parties at Paris', and that France was only too anxious to embroil England and Holland.³ It would be best to forestall any danger of foreign intervention by decisive action. Accordingly Stanley's reply to Napier expressly sanctioned annexation. He deferred to the opinion

¹ Napier to Stanley (25 July 1842) (Confidential): Bell and Morrell, *op. cit.*, pp. 490-5.

² Stanley to Napier (12 October 1842): CO 49/36.

³ Disbrowe to Aberdeen (4 November, Secret and Confidential, and 8 November 1842): FO 37/236. Further inquiries led Sir E. Disbrowe to the conclusion that the enterprise had been set on foot 'soon after the treaty of 15 July (1840)'—i.e. the Convention of London on the Egyptian question, a diplomatic slap in the face for the French Government. (Disbrowe to Aberdeen, 5 May 1843: Bird, *Annals of Natal*, vol. ii, p. 171.) The fact that Sir E. Disbrowe saw the hand of France in the matter has escaped the attention of the historians.

of the Governor and Colonel Cloete that the hope of inducing the Boers to return was quite delusive, and he agreed that the disunions and jealousies among them, and the policy they were adopting towards the natives both in and beyond their borders, were unanswerable arguments against leaving them without control. A Commissioner should be sent to Natal to negotiate as to details. There was to be an amnesty, and the Boers were to be allowed to retain all lands actually occupied for twelve months prior to the Commissioner's arrival. Their wishes were to be consulted, too, as to the form of government, but subject to three indispensable conditions: there must be in the eye of the law no distinctions of colour, origin, race, or creed; there must be no attacks upon the natives beyond the borders, under any plea whatever, unless by the immediate order of the Government; and slavery, in any shape or under any modification, must be prohibited.¹ For once the British Government showed itself willing to shoulder a new colonial responsibility.

On 12 May 1843, by a proclamation of Sir George Napier which left the details and even the boundaries for future settlement, notice was given to the inhabitants that Natal would be annexed; and Henry Cloete, the Cape Dutchman most in the confidence of the Governor, was appointed Commissioner.² Cloete's task was far from easy. Smellekamp was back again: his promises had ended in failure and futility, but he was now advising the Boers to trek farther north. The Portuguese were rumoured to be anxious to induce them to settle near Delagoa Bay. Armed bands from over the Drakensberg urged the Volksraad to resist the annexation. The more far-seeing Boers, particularly when the hopelessness of trusting to the officious Smellekamp had become evident, were in favour of annexation, but not at any price. They wanted self-government; removal of Zulu 'refugees' beyond the Tugela and the Umzimvubu unless they consented to take service; prohibition of pauper immigration; above all, confirmation of land-grants made by the Volksraad. They had 'done and suffered for the land': yet, said they, twelve months' occupation was a condition many of the claimants

¹ Stanley to Napier (13 December 1842): CO 49/36.

² Bell and Morrell, *op. cit.*, pp. 495-8. Henry Cloete was the brother of the Colonel.

could only have fulfilled with the utmost danger to their lives. This land question was not one to be decided on abstract principles.

'For these Dutch South Africans to pass away their time in frequent meals of meat, to sip their coffee at every hour, to have a wife who may beguile the dreariness of the evenings, to please themselves with the sight, by day, of large herds of various colours, shining in their fatness, and enamelling the green meadows, and at times to follow the chase—an employment at once profitable and refreshing to their limbs—such,' wrote a foreign observer of the trek, 'is the ideal common to them all.'¹

Cloete, thinking as he did that only 760 of the 1,780 'registered farms' could justify any claim whatever, yet warned Lord Stanley that without a liberal settlement of the land question the majority of the Boers would 'flit from this territory and carry into the central wastes of Africa an implacable hatred and detestation of the British rule and name'.²

Yet was it not a contradiction of the very purpose of the annexation if the Boers were allowed to have their way in everything? Conciliation could not go beyond a certain point.

'The demand of the emigrants and Mr. Cloete, their advocate,' wrote Stephen, 'is really that these people should be constituted a sort of Republic with the privileges of a British colony. . . . A community so totally independent as they propose to be hanging on the frontier of Cape Colony might become a most dangerous neighbour in the event of any foreign war; and even in times of peace, might half depopulate the colony by attracting to themselves such of the Dutchmen as may yet remain there.'³

Stanley concurred with Stephen. If the Cape was not yet ready for self-government, *a fortiori* Natal was not. Could the colony even bear the expenses incident to such an independent legislature? It must for the present remain a dependency of the Cape, with municipal institutions only.⁴ The Dutch might keep their landdrosts and heemraden, but not their Volksraad. Immigration from Great Britain was

¹ Delegorgue, *Voyage dans l'Afrique Australe*: quoted by Bird, op. cit., vol. i, pp. 563-4.

² Cloete to Montagu (8 September 1843): CO 48/235.

³ Minute (7 February 1844): CO 48/235: No. 129.

⁴ Stanley to Maitland (25 May 1844): P.P., 1847-8, xlii (Cmd. 980), pp. 1-4.

for the present unlikely, but the British Government certainly could not pledge themselves to stop it.¹ In the matter of native policy the influx of 'refugees from Zululand' was as disturbing to the Colonial Office as it had been to the Volksraad;² and Lord Stanley agreed that prevention would be better than cure. But as to the cure he differed from the Volksraad. Cloete had pointed out the difficulties in the way of their policy of vast native reserves beyond the colonial border.

'By huddling together so vast a population as forty or fifty thousand people on one location, it is evident that they will fall back to their natural and lawless habits; this would soon lead to their having chiefs or leaders of their own, whose influence over such numbers might become dangerous to the colony, while the difficulties of the missionary or the Government to improve their habits and customs will be increased tenfold.'

He suggested locations in several districts. The natives should be allowed to enter into contracts with farmers subject to the approval of the superintendent of the location.³ With this policy Stanley agreed—though he thought lack of funds would make it necessary to leave the superintendence of the locations for the most part to the missionaries.⁴ But the Dutch and the natives ought as far as possible to be kept apart, and the Dutch—if it could be done without affording them just cause of complaint—excluded from the Zulu border, and from the neighbourhood of the port also.⁵ Finally, as to the land question. Cloete's recommendation that purchase money be returned to those who had bona fide purchased farms but could not bring their claims within the condition as to occupation was rejected; and surely 3,000 acres, instead of 6,000, would be enough for a farm. The Governor, however, was left at liberty to revert to Cloete's proposal if the limitation was likely to result in a new trek.

A new trek was of course the great hope of the irrecon-

¹ Stanley to Maitland (29 July 1844): *ibid.*, pp. 7–8.

² See Agar Hamilton, *op. cit.*, p. 36. But Professor Macmillan gives cogent reasons for believing that the natives were not 'refugees from Zululand' at all: *Bantu, Boer, and Briton*, pp. 177–9.

³ Cloete to Montagu (10 November 1843): Bird, *op. cit.*, vol. ii, pp. 312–15.

⁴ Stanley to Maitland (13 July 1844): CO 49/38.

⁵ Stanley to Maitland (25 May 1844) (Separate and Confidential): *ibid.*

cilables over the mountains, and the British Government, whilst they spoke words of conciliation, acted as if not quite sure whether they wanted it or not. In leisurely fashion the organization of Natal as a colony went on. It was annexed to the Cape by Letters Patent of 31 May 1844: but the boundaries were not proclaimed till August 1845, the new administration not established till four months after that. The uncertainty was as good an argument for trekking as could be desired. On the land question Maitland used his discretion in favour of the customary farm of 6,000 acres, and offered Crown grants accordingly at a quit-rent of £4 per annum,¹ but there were tedious questions of title and survey still awaiting settlement. On the native question it was deemed necessary to appoint a Location Commission to carry out the policy; and this was not done till 31 March 1846. The new Lieutenant-Governor, Martin West, lately Civil Commissioner of Albany, had been well chosen, but he was powerless to prevent the Boers from trekking over the Drakensberg where land could be had without any conditions at all and natives could be dealt with as Boer experience rather than English theory might dictate. Without English immigration, Maitland urged, Natal would rapidly become a native preserve and nothing else.² West only refrained from recommending its abandonment on account of the certainty that it would mean new native wars and a new Boer occupation.³ Thus the reluctant assumption of responsibility in Natal—due on the one hand to a sense of obligation towards the native races and on the other to a fear of foreign interference—had given no real answer to the question whether or no the trekkers were to be followed up.

Others of the trekkers had settled beyond the northern frontier of the Cape, in the country occupied or claimed by the Griquas of Adam Kok, the Basutos of Moshesh, the Barolongs of Moroko, and other minor tribes, in the region of the Orange River, the Modder, and the Caledon. Some at least of them had trekked on account of severe droughts in

¹ Maitland to Stanley (28 March 1845): *P.P.*, 1847-8, xlii (Cmd. 980), p. 21. Claimants who had not strictly fulfilled the conditions were to be given less.

² Maitland to Stanley (30 March 1846): *ibid.*, p. 50.

³ Maitland to Stanley (26 May 1846): Enclosure: *ibid.*, pp. 68-71.

the colony rather than of hostility to British rule; and early in August 1842 a petition with 193 signatures, asking that British authority should be extended to this region, was presented to the Governor.¹ But there was an extremist party also, and the trend of events in Natal would certainly reinforce both their numbers and their intransigence. Dr. Philip, who had been making a tour of the north, thought the situation critical. The Griquas were already most uneasy at the encroachments of the Boers, and Basutoland was in danger too, for it would be peculiarly valuable to the Boers as a breeding-ground for horses. He suggested that the Government ought to intervene and make treaties with Adam Kok and Moshesh: there was reason to believe both of them favourable to the idea.² The suggestion did not pass unheeded. On 7 September 1842 Napier issued a proclamation against any attempt on the part of the farmers to injure or molest the natives; at the same time he put before Lord Stanley two alternatives—those of

‘extending the protection of the Government by means of treaties with the native chiefs, and the promise of armed support in giving effect to those treaties, or . . . spreading our influence over the whole of that country by subjecting both the natives and the emigrants to British law and authority’.³

Stanley as usual chose the course involving less responsibility. An irregular proclamation of British authority, made by Judge Menzies at Colesberg in order to forestall reported designs of the Boers, was repudiated by the Governor; and in November and December 1843 treaties with Adam Kok and Moshesh were duly signed. The chiefs engaged to be faithful friends and allies of the colony, to preserve order in their territories, to restrain and punish any attempt by people within their jurisdiction to violate the peace of the colony. Yearly subsidies were granted to each.⁴

The treaties did not solve the problem. The Barolongs and

¹ Cory, *The Rise of South Africa*, vol. iv, pp. 283-4.

² Philip to Hare (12 July 1842): *Basutoland Records*, vol. i, pp. 45-7. Macmillan, op. cit., pp. 195-205.

³ Napier to Stanley (15 September 1842): CO 48/224.

⁴ Maitland to Stanley (22 July 1844): Enclosures: *P.P.*, 1851, xxxviii (H.C. 424), pp. 211 ff.

other tribes complained that their claims had been ignored. The Boers complained that they were granted fewer privileges than the Griquas who were like them emigrant British subjects. The friendly party under Oberholster appealed to Cloete in Natal, and offered to submit on the terms that had been granted to Natal; and Cloete, unexpected as the offer was, recommended its acceptance—though in vain.¹ The disaffected Boers, under Mocke and Jan Kock, who were seeking to bring all Europeans north of the Orange River into one Republic, took up arms against Adam Kok. A British force in April 1845 intervened and easily secured the submission of the Boers; but Sir Peregrine Maitland realized that the treaties needed revision, and convened a meeting at Touwfontein of all the chiefs between the Orange and Vaal Rivers. Rejecting annexation as financially impracticable, he was none the less obliged to move in the direction of British intervention; for some means must be found of stopping the gradual encroachments of the Boers upon the territories of the natives. An expulsion of the Boers would cause them unmerited hardship and drive them to work havoc on other tribes beyond. A military expedition would have only a momentary effect. The best solution seemed to be a continued recognition of the sovereignty of the natives, but a segregation of Europeans and natives in different zones. The farmers would be virtually administered by a British Resident, with a commission under the Cape of Good Hope Punishment Act and a magisterial power conferred by the chief. He was to collect the quit-rents and other revenues, retaining half to defray the cost of administration and paying over half to the chief. In the native zone no white men except missionaries and traders—and these only with the consent of the Colonial Government—should be permitted thereafter to purchase or lease land, and existing leases should not be renewed.² At the Conference both Adam Kok and Moshesh agreed in principle to these arrangements; and a special commissioner, Mr. Joubert, was sent to explain them to the Boers. In February 1846 the treaty with Adam Kok was duly signed; but Moshesh was a more difficult nut to

¹ Cloete to Montagu (6 December 1843): Bird, *op. cit.*, vol. ii, p. 468.

² Maitland to Stanley (1 August 1845) and Enclosures: CO 48/255.

crack, the old boundary questions and rivalries with lesser chiefs being still unsettled. Negotiations made little real progress. Meanwhile, the Colonial Office was helplessly looking on, viewing askance this policy of indirect control, fearing that in it lay the germ of future conflict, but accepting it as the best attainable solution.¹ It was a natural result, after all, of directing the Cape authorities to walk upon the tight-rope of limited responsibility, falling neither into non-interference on the one hand nor into annexation on the other.

Unstable equilibrium is the utmost that Stanley's policy in South Africa had anywhere attained. Financial considerations, and the influence of Stephen, who consistently opposed any extension of British responsibilities, drove him in one direction, the pressure of facts drove him in the other. He was ready enough to interfere with the Boers, whether in Natal or in the north, from humanitarian motives or from fear of foreign intervention; he was ready enough to take action against violators of the border treaties; but his boldness was the tactical boldness natural to 'the Rupert of debate', not the boldness of conception proper to the strategist and the statesman. He was unwilling to accept the consequences of interference and take the step that led from interference to control. In so far as missionaries or diplomatic agents could influence the native tribes, in so far as treaties could give the chiefs moral support, well and good; but it was all to be a matter of moral influence and not of political supremacy. Superficially this policy might appear to resemble the modern system of 'indirect rule', but the basis of 'indirect rule' is the ultimate responsibility of the Imperial Power. The first essential to a stable equilibrium in South Africa was a frank admission by the Imperial Government of such a responsibility.

¹ Stanley to Maitland (6 November 1845): CO 49/38.

VII

PLANTERS AND NEGROES IN THE SUGAR COLONIES

IN the West Indies, as in South Africa, it was difficult for the Imperial Government to bring itself to a full realization of its responsibilities. It was an Imperial Act that had abolished slavery. It was the Imperial Government, acting under pressure from public opinion in England, that had induced the legislatures of the colonies in 1838 to bring the period of 'apprenticeship' to an end. The Government still proposed to protect the negro from abuse by carefully scrutinizing colonial legislation, and by taking from Parliament an annual vote, steadily diminishing in amount, for a stipendiary magistracy to enforce the law as between the two races. In the Crown Colonies—British Guiana, Trinidad, St. Lucia, and, on the other side of the world, Mauritius—it introduced by Order in Council alterations in the law regarding marriage, contracts for labour, vagrancy, and the unauthorized occupation of land; and it recommended the colonies with representative assemblies to adopt these alterations. But there its conception of its responsibility ended. The negro was free. Was it for the Imperial Government to say how he should use his freedom? The planter had been compensated for the loss of his slaves. Was not this enough? Was it not his business to make the best of the altered conditions of society?

In many ways, indeed, the transition to the new order of things was surprisingly easy. Thanks to the good humour of the negroes generally and to the influence of the missionaries, there were no disorders among the newly emancipated class—and there was no lack of provocation. On the other hand, except in small and densely populated islands, there was now no necessity for the negroes to work on a plantation to get their living, and many of them looked upon plantation labour as unworthy of a free man. The action of the planters, in Jamaica particularly, made matters worse: first they tried to force the negroes to accept wages below the market rate:

then they took advantage of the fact that the negroes' cottages and provision grounds were on the estates to charge them rent, often unreasonable in amount, as from the day of emancipation, and to regulate it according to the amount of plantation labour done. Everywhere the planters' crops diminished to an alarming extent, although, thanks to the protection of their produce in the markets of Great Britain, they were partially compensated by a rise in price. Their behaviour had doubtless been unwise, not to say unjust; but it should be remembered, before sentence is passed upon them, that they had not been argued, but driven, into abolition, and that the habits of generations are not forgotten in a day. The maxims of *laissez-faire* which commended themselves to the Imperial Government were insufficient in a time of social revolution. Besides, recrimination is one thing, and statesmanship another: the retirement of the negroes to their provision grounds and the consequent distress and despair of the planting interest endangered the entire fabric of West Indian civilization.

The planters indeed were only too ready to impute to the Imperial Government the main responsibility for this state of affairs. The readiness of the Imperial Government to suspect their motives, and the philosophic calm with which it viewed the diminution of sugar cultivation afforded them some excuse. The primary object of the British Government, as Lord John Russell said, had been to convert slaves into free men.

'It is important, but still a secondary question,' he added, 'to consider how we can maintain the natural prosperity of our West India colonies, promote the cultivation of products for which the climate is adapted, and keep up, if not increase, the consumption of British manufactures.'

He pointedly declined to regard prosperity as synonymous with the maintenance of sugar exports at their old level.¹ Lord John Russell was only singular in the frankness with which he expressed a point of view undoubtedly common in England. It was naturally exasperating to the planters. It is not to be wondered at that there were political difficulties

¹ Russell to Light (British Guiana) (15 February 1840): Bell and Morrell, op. cit., pp. 411-15.

in Guiana and an acute political crisis in Jamaica. The planters felt that they were allowed either too little responsibility or else too much. In June 1838, whilst in the very act of liberating the slaves, the Jamaica Assembly vehemently protested against the principle of Imperial interference:¹ later in the year an Act for the Better Government of Prisons in the West Indies drew from it a retort not a little reminiscent of the American Revolution. The Act was declared an infringement of the inherent rights of the legislature of Jamaica: it had not and ought not to have the force of law in the island, and the authorities would not be justified in acting upon it.² The Assembly resolved to 'down tools' and abstain from exercising its functions.

Henry Taylor wished to take up the challenge: there was a danger that white ascendancy in the West Indies would ultimately lead to a black ascendancy worse than itself, and the opportunity should be seized to abolish all the West Indian Assemblies and to concentrate responsibility in Imperial hands.³ But the Melbourne Ministry would not take his advice and proposed instead to suspend the Jamaica constitution for five years—a half-measure which Parliament, under the influence of Peel, refused to endorse. The Ministry resigned, and though the 'bedchamber crisis' brought them back to office, they had of course to abandon their Bill. What was to be done? The assumption of full responsibility, except in the Crown Colonies, being now impossible, there was only one course open—co-operation with the planters.

The first step was to send conciliatory Governors. In September 1839 Sir Charles Metcalfe went out to Jamaica to restore good feeling there and succeeded wonderfully. But he realized that his work would be incomplete without a change in the attitude of the Imperial Government. The question, he said, was whether most could be got

'by riding rough-shod over the island institutions and knocking down right and left everything that stands in one's way: or by cordially

¹ Bell and Morrell, *op. cit.*, pp. 402-6.

² Smith to Glenelg (12 November 1838): Enclosure: *P.P.*, 1839, xxxv (H.C. 107-I), p.153.

³ *Autobiography of Sir Henry Taylor*, pp. 249-63.

co-operating with the island authorities, legislative and executive, profiting by their good feelings, taking them by the hand and leading them gently to every desired improvement, respecting their just rights and those of others; and above all, by not suspecting and distrusting them.'¹

He supported the social legislation of the Assembly, despite the objections of the Baptist missionaries and their sympathizers in England, and indignantly repudiated the allegation that the planters designed 'to restore slavery and coercion in Jamaica by unjust and oppressive laws'.² He returned to the charge when in 1841 objections were raised at the Colonial Office to a Prisons Act of the Jamaica Assembly, not so much on account of the severity of its provisions as because it further extended the system, dear to the Assembly, of entrusting the execution of the laws not to the Colonial Government but to Boards and Committees with executive powers. He appealed to the Secretary of State to discard objections based on the suspicion that Acts in appearance harmless were designed to be partial and oppressive, or would be wrongfully administered. If the objection was that the Jamaica Assembly was legislating mainly in the interests of its members, all legislation was liable to that fault: and continual interference from a distance was not really likely to advance the cause of justice.³

It fell to Lord Stanley to answer this statesmanlike plea. He had good advice from Stephen, who, wherever his sympathies might lie, had always the instincts of a statesman. There had, he said, been good reason for distrusting the planters, but the politic and just course none the less was what Metcalfe advocated.

'Here is a legislature which cannot be got rid of, which must exercise a most extensive authority for evil or for good. . . . They cannot be destroyed or much enfeebled. But they may be coerced or coaxed. . . . Now that this great abuse is extinguished I believe we should do more good to the objects of our solicitude by propitiating the goodwill of the Assembly, even at the expense of acquiescing in many bad measures, than we could do by the most inflexible exercise

¹ Metcalfe to Russell (29 July 1840): *P.P.*, 1841 (2nd session), iii (Cmd. 344), p. 110.

² Metcalfe to Russell (30 October 1840): *ibid.*, p. 221.

³ Metcalfe to Russell (2 August 1841): CO 137/256. Extract printed in Bell and Morrell, *op. cit.*, pp. 416-17.

of the right of rejecting all such measures at the expense of one protracted quarrel with that House.’¹

The advice was accepted. Stanley informed Metcalfe that he fully concurred with him ‘as to the spirit in which the Assembly should be met’.² The principle of co-operation with the planters was accepted—a great step forward. Unfortunately Stanley continued to apply the ideas of *laissez-faire* and to think of conciliation as in itself a policy—instead of merely the groundwork of a policy.

It was important that the ruffled feelings of the planters should be soothed, but conciliation by itself would not solve the labour problem with which the planters were perplexed. The most obvious solution was to introduce more labourers. Experiments had been made by more than one colony, British Guiana being particularly active. The more densely populated islands, Madeira, Great Britain, and the Continent of Europe all were tried. In 1837 British Guiana, stimulated by the success of an experiment in Mauritius, tried Indian coolies, but not very successfully; and the emigration from India both to British Guiana and to Mauritius was stopped in 1839 in consequence of the grave abuses revealed by a committee appointed by the Indian Government. In England it had been denounced by Exeter Hall and by Molesworth and Brougham in Parliament. There was talk also of immigration from Africa. This plan was warmly advocated by Gibbon Wakefield. One precaution, he said, would suffice against any possible renewal of the slave trade in another form:

‘The whole process from beginning to end—from the first invitation to emigrate down to the emigrant’s comfortable settlement in the colony—should be confided to a special and responsible public authority.’

A price was to be put on land in the West Indies; and the expense of immigration was to be defrayed by a tax on land and by a loan on the security of future sales.³ Official circles

¹ Minute of Stephen (15 September 1841): Bell and Morrell, *op. cit.*, pp. 418–21.

² Stanley to Metcalfe (27 September 1841): *P.P.*, 1842, xxix (Cmd. 374), p. 12.

³ *Colonial Gazette*, 1 January 1840. It was afterwards claimed by *The Spectator* that this article had a considerable influence upon the ‘West India interest’.

seem to have ignored this application of Wakefield's ideas to West Indian conditions; and the Imperial Government was only gradually won over to the notion of introducing immigrants at the expense not of the planters only but of the Colonial Treasuries. However, by the time of Stanley's accession to office emigration from Sierra Leone had been authorized, and had begun, and both British Guiana and Jamaica had passed laws on the subject acceptable to the Colonial Office. In 1841, 8,144 immigrants—4,297 from Madeira, 2,745 from West Indian islands, and 424 from Sierra Leone—arrived in British Guiana, and 1782—chiefly from the other islands—in Trinidad.¹ At the end of the year Stanley agreed to facilitate the introduction of Africans liberated from slave-ships at St. Helena. On the other hand, the emigration from Madeira to British Guiana had to be stopped on account of the heavy mortality among the new arrivals; the abstraction of labourers from the smaller islands was calling forth complaints; and the Sierra Leone scheme was neither working very smoothly nor—despite the return of 'delegates' from British Guiana 'in a uniform of fine blue cloth, with scarlet cuff and collar, elegant forage caps, a scarlet waistband and fine cloth trousers'—was it producing much result.

Stephen's view was that conditions in the West Indies were on the whole satisfactory.

'The abolition of slavery has yielded fruits better and earlier than even the authors of that measure dared to anticipate. . . . The countervailing disadvantages are incomparably less than it seemed reasonable to expect. . . . Society is on the whole in a healthful and improving state. . . . The falling off in the profits of capital though a great evil is yet largely compensated by an increase in the material comforts and in the moral and intellectual state of the people.'²

In his opinion, moreover, immigration would not really improve the situation. Acting on such views as these the Whigs in 1841 had been ready to admit foreign sugar at a rate only 12s. per cwt. higher than the colonial.³ These views were by no means shared by the West India interest, and they looked to the new Government, containing as it

¹ *P.P.*, 1842, xxix (Cmd. 376), p. 178.

² Minute (11 December 1841): CO 295/135: No. 2663.

³ See below, p. 171.

did at least two men—Gladstone and Goulburn—interested in West India property, to do something for them. Hence, the appointment in 1842 of a parliamentary committee, under the chairmanship of the future Secretary of State, Mr. J. S. Pakington, to investigate the whole West Indian situation. A further exploration of the possibilities of immigration was pretty clearly the great object in view; and Gladstone for one was predisposed in its favour. Immigration might not be acceptable to the disciples of Exeter Hall, but it would, after all, make sugar cheaper.¹

The evidence taken by the committee made it quite clear that severe depression existed among the West Indian planters with the possible exception of those of Antigua. In most cases the produce of the colonies had diminished by one third or so since emancipation—in Jamaica by more. Sugar prices were no longer soaring as in 1840, when from July to November they had fluctuated between 56s. and 58s. 9d. a cwt. They had fallen from 49s. 8d. at the beginning of 1841 to 39s. at the end, and in 1842 were maintaining something like this level only. It was not, moreover, from the West Indies but rather from Mauritius and India that had come the increased production responsible for the fall in price. Many witnesses predicted, if matters did not mend, a wholesale abandonment of estates within a few years. The cause most generally assigned was not so much the high wages as the lack of continuous labour. The seasons of 1840 and (in some places) 1841 had admittedly been bad; and the planters' management received and doubtless deserved some criticism. But the main burden of the lament was that the negro did not give a fair day's work for a fair day's wage, that he took advantage of the scarcity of labour to do his work in a slovenly fashion, that he came when he pleased, and left off when it suited him. Witnesses with Exeter Hall sympathies minimized these complaints, or alleged that the planters did not offer sufficient inducements: but they did not come unscathed through a searching cross-examination.² The negro, in fact, could easily

¹ Gladstone to Peel (4 November 1841): *Peel Papers*, vol. cclxxix.

² Note in particular the evidence of Rev. W. Knibb and J. Scoble: *P.P.*, 1842, xiii (H.C. 479).

obtain land whereon he could grow provisions and not only keep himself but make himself comfortably independent of wages. Almost invariably the planter witnesses, after testifying to this state of affairs, went on to say that immigration on a large scale—from thirty-five to fifty thousand was the usual estimate of the requirements of Jamaica alone—was the only thing that could save them from ruin. Some admitted that there was room for improvement in the methods of cultivation and manufacture, but the tendency was to lay stress on the lack of capital and other difficulties in the way. The general opinion was that it would be hopeless to try and check squatting or land purchase by exacting rent from the negroes or raising the price of land,¹ or to transfer to them by some direct impost some of the heavy burden of taxation.² The more obvious expedient of reducing wages was also dismissed as impracticable: in Guiana the attempt had been made and had failed, and the planters of other colonies were clearly rather chary of trying. No, the planters would hear of nothing but immigration: they had had just enough immigrants already to whet their appetite for more.

A minority of the committee, headed by Lord Howick, persisted in taking a different view. In their eyes the root-cause of the trouble was the ease with which land might be obtained; the real remedies were reduced expenditure, better and more economical cultivation, experiments with new products such as silk, cotton, and tobacco, and a wise and just system of legislation and administration of the law.³ The majority, however, accepted the view of the planters and looked mainly to immigration. It should, they urged, be conducted 'under the authority, inspection, and control of responsible public officers'.⁴ They found support from the Committee on West Africa appointed the same session, which reported that in Sierra Leone at any rate there did appear to exist materials for an emigration to the West Indies,

¹ Ibid., QQ. 645-51 (Burnley); 6670-1, 6743-4 (Geddes); 5758-63 (Spalding).

² Ibid., QQ. 665-97 (Burnley); 6810-25 (Geddes); 7370-82 (Metcalfe); 7046-7 (St. John).

³ Ibid., p. viii.

⁴ Ibid., pp. iv-v.

and that the exchange would be advantageous alike to the emigrant and to the Empire.¹

It was not long before action was taken on the report. On 6 February 1843, after consultation with West India merchants and with the Agents of the different colonies, a new scheme of Government emigration from West Africa was announced. The results, however, were from the first disappointing. The public authorities at Sierra Leone were no longer hostile, but the white merchants and traders, the petty negro hucksters, and the missionaries were all opposed to emigration, and the Africans landed from captured slavers were not unnaturally very suspicious and easily worked upon.² There was mismanagement as well as misrepresentation, and many of the detailed regulations proved ill-advised. The Government, despite the protests of Exeter Hall, agreed to give all slaves liberated at Sierra Leone the choice between emigrating to the West Indies and providing for themselves, but this made little difference. In 1845, the supply of emigrants being quite insufficient to justify the maintenance of the special Government transports, a return was made to the system of leaving it to the Governor of Sierra Leone to licence private vessels.³ It was virtually impossible to go outside the British settlements without encouraging the slave trade; and it became ever clearer that if the West Indies wanted immigrants they must look elsewhere than to West Africa after all.

Trinidad continued to get immigrants from the smaller West Indian islands—2,075 in 1843, 1,708 in 1844—but Jamaica and British Guiana were less fortunately placed. Guiana began to look again to Madeira. It was said that the epidemic of yellow fever which was responsible for the mortality of 1841 was a mere accident and ought not to be allowed to close the question. Towards the end of 1845, though Lord Stanley and the Court of Policy failed to agree about the offer of a bounty, the influx began again. By

¹ *P.P.*, 1842, xi.

² Report of Trinidad Agent to Macleod (18 October 1844): *P.P.*, 1847-8, xlv (*H.C.* 732), pp. 3-7.

³ Circular Dispatch (15 August 1845): *P.P.*, 1845, xxxi (*H.C.* 642), pp. 20-1. Previously there had been a vessel each for Trinidad, Jamaica, and Guiana, under a lieutenant and surgeon of the Royal Navy.

April 1846 two thousand Madeiranese had arrived. 'A province the more', wrote Stephen regretfully, 'is thus being added to the Papacy.'¹ Another source of supply suggested was the Chinese population of the Straits of Malacca. A scheme was approved by Stanley in September 1843, with a warning that he did not expect much of it, but it was a total failure. The West India Committee had been quite misinformed, and the Chinese had plenty of employment on the spot.²

There remained India. The planters of Mauritius, whose circumstances resembled those of the West Indians, were by 1843 obtaining Indian coolies in considerable numbers. Though sugar-planting had been established in Mauritius by Labourdonnais, it was only in the last years of slavery, especially after the duties on Mauritius and West Indian produce had been equalized in 1825, that it had become an important industry. Immigration from India had eased the transition from slavery to freedom, but in 1839, when some 18,000 coolies had been introduced,³ it had, as we saw, been prohibited. None the less the high prices of 1840 had raised the Mauritius crop to the highest figure yet attained. The importation into Great Britain in 1841 was nearly 36,000 tons. And by an Order in Council of 15 January 1842 the ban on Indian immigration was removed, new regulations being established similar to those at the time existing for the emigration from Sierra Leone to the West Indies. The planters, who had had to be satisfied with Malagashes, Comoro Islanders, and Chinese in small numbers, welcomed the concession; and during 1843 no fewer than 31,000 Indians—27,680 of them adult males—were introduced. The planters were able not only to maintain their cultivation, but to extend it.

The reopening of India was a good deal criticized in England, not only by Exeter Hall but by *The Times* and by Mr. Vernon Smith—Lord John Russell's Under-Secretary—Mr. Hawes, and Mr. Hogg of the East India Company in Parliament; and abuses did arise. Persons were inveigled

¹ Minute (9 June 1846): CO 111/233: No. 1077.

² Report of C. L. and E. Commissioners (20 March 1845): *P.P.*, 1845, xxvii (Cmd. 617), p. 22.

³ Lord Stanley's estimate: some said as many as 25,000.

from the interior on false pretences and smuggled on board ship, and the medical inspection was a mere farce. But the Governor-General, Lord Ellenborough, was a believer in the plan, and had recourse to stricter supervision and not to prohibition. In 1844 the emigration was confined to the port of Calcutta, the numbers were limited to six thousand a year, and the offices of Protector and Emigration Agent were entrusted to different persons. The planters soon began to grumble. Overlooking the fact that the hasty ill-selected mass immigration of 1843 was certain to give rise to some complaints, a Committee of the Council of Government argued, from the number of desertions from the estates, that more immigrants and three or five-year indentures were required.¹ The expanding sugar crops were a good reason against taking these jeremiads too seriously. The immigration was in fact much more open to criticism on the ground urged in 1846 by Gladstone, that it treated human beings too much 'as simple organs of labour', sending them back to India after their five years' service and making no provision for introducing families or for settling them in separate cottages with plots of ground.² It created new problems, in short, and it was expensive. But it had been the salvation of Mauritius, and all the planters' grumbling could not conceal the fact. It is by no means surprising that, once the scheme was in working order, the West Indians asked that they too should be allowed to give it a trial.

The attitude of the Ministry was at first unfavourable, but by November 1843 the West India Committee had induced Lord Stanley to make inquiries of Lord Ellenborough. It seems indeed that his hesitation had been mainly due to fear of popular clamour in England, as he believed that the emigration would greatly improve the coolies' lot. The change now resolved upon in regard to the sugar duties was of course an additional argument for making this concession to the West Indians.³ It was believed by some that the immigration

¹ Gomm to Stanley (20 March 1845): *P.P.*, 1845, xxxi (H.C. 641), pp. 8 ff.

² Gladstone to Gomm (14 May 1846): *P.P.*, 1846, xxviii (H.C. 691-II), pp. 216-22.

³ Stanley to Peel (27 November 1843): Bell and Morrell, *op. cit.*, p. 423. On the sugar duties see below pp. 182-4.

would have great moral effect on the negroes now that improvident cultivation of their provision grounds was tending both to glut the market for provisions and to exhaust the fertility of the soil;¹ and the objection of Stephen that the Christianity of the negroes would be impaired by this contact with 'the barbarous and obscene rites of Hindoo superstition' seems to have carried little weight.² On 31 July 1844 Lord Stanley announced to the colonies of Jamaica, Guiana, and Trinidad—which were the three most concerned in all these immigration schemes—that he had definitely assented to a plan involving loans of £250,000 by Trinidad and £500,000 each by Guiana and Jamaica, to be secured on a produce tax. 2,500 coolies were to be sent to Trinidad and 5,000 to each of the other colonies in the first season. The departure of the vessels was to be restricted to the most favourable season, and provision was to be made for sending back the coolies at the end of five years. Jamaica at once and Trinidad soon afterwards readily acceded to the scheme. In British Guiana more immigrants were demanded, and the Immigration Ordinance got mixed up with politics, but there too the arrangements began to get into working order in the course of 1845. In that year 1,735 coolies were sent to Jamaica, 3,497 to British Guiana, and 2,083 to Trinidad; and the early reports of the immigrants were favourable on the whole. Stanley himself was apt to be sceptical about immigration, and more than once warned the planters not to expect too much. But at least his attitude left no room for the suspicion that he regarded the prosperity of the planters—as the missionaries were apt to regard it—as a thing of little account. He was genuinely anxious to help them to regain it.

In 1845, indeed, the prospects of the planters seemed to have decidedly improved. Sugar prices had been steadier since 1842: they ranged from 30s. 6d. to 37s. in 1843, from 29s. 9d. to 37s. 9d. in 1844, from 28s. 6d. to 38s. 9d. in 1845.³ The Sugar Duties Act of 1845 was meant by Peel to settle that question at least for a period of years, and it was not unwelcome to the West Indians.⁴ There were signs of

¹ *Westminster Review*, June 1844: 'The Sugar Duties' by W. R. G. Cf. also Hope to Malcolm (4 September 1843): *P.P.*, 1844, xxxv (Cmd. 530), pp. 249-52.

² Minute of Stephen (19 June 1846): CO 111/233: No. 1193.

³ Price Chart in *P.P.*, 1847-8, xxiii, Part IV.

⁴ See below, pp. 184-5.

a recovery in the crops. The West Indies appeared to be reaching a more stable condition, producing diminished crops in Jamaica and Guiana, perhaps not even diminished crops in Trinidad and the smaller islands, as compared with the days of slavery, and getting prices not unlike those ruling after 1820; in Trinidad and Guiana, at any rate, immigration, though it had disappointed the extravagant expectations of the planters, had been by no means negligible in amount; and in Barbados, and in Jamaica under the wise rule of Lord Elgin, the formation of Agricultural Societies testified to a new interest in agricultural improvement. There was, however, a black cloud on the horizon. The free trade movement in England was growing ever stronger; and the fact that the world price of slave-grown sugar maintained a general level some 10s. a cwt. lower than British colonial sugar was at once a constant temptation to free traders and a warning to the West Indians of what would happen if the storm should break upon them.

Meanwhile immigration had been so much the centre of interest that the negroes had been almost forgotten. Their advocates in Exeter Hall made representations from time to time on immigration policy and other matters to the Colonial Office; the clerks in the Colonial Office read the reports of the stipendiary magistrates; and policy there was none. This was particularly true of Mauritius, where the negroes had almost disappeared from estate labour and hence from the planters' ken. Sir William Gomm considered them markedly inferior to the negroes of Jamaica—indolent, improvident, intemperate, apt to be lax in morals, though increasingly trustworthy and punctual in the payment of debts.¹ It was left to Gladstone to point out to the planters the obligation lying upon them to put an end to this neglect, and the advantage they would reap if their reliance on immigration could be diminished and some at least of the negroes induced to return to the plantations.² The West Indian negroes were not so much out of sight or out of mind, but the conventional view was still that there was every reason to be satisfied with their condition. The Parliamentary Committee

¹ Gomm to Stanley (7 January 1846): *P.P.*, 1846, xxviii (H.C. 691-I), pp. 350-1.

² Gladstone to Gomm (12 June 1846): *ibid.* (H.C. 691-II), p. 223.

of 1842 reported that they evinced 'an increased and increasing desire for religious and general instruction; a growing disposition to take upon themselves the obligations of marriage, and to fulfil the duties of domestic life; improved morals; rapid advance in civilization, and increased sense of the value of property and independent station'.¹ One Trinidad witness—Mr. Burnley—had expressed the outspoken opinion that the rising generation were earning higher wages than was good for them and steadily deteriorating in morals;² and Sir Charles Metcalfe reluctantly admitted that crime was rather on the increase in Jamaica.³ But few cared to examine the other side of the shield, or to reflect that purchase of finery, or even of land, does not necessarily connote civilization; that school attendance is not education nor church-going religion; and that even married men occasionally misbehave. Slowly, however, this complacency began to be shaken. *The Times* lamented that the negroes had not been better prepared for the change from slavery to freedom, and regretted that taking over of abandoned estates by little communities of negroes which had in the early days of emancipation been regarded as so hopeful a sign.⁴ The Governor of the Leeward Islands wished that their friends would teach them that, having acquired equal rights with white men, they were liable to the same responsibilities.⁵ And the most penetrating observer in the West Indies, Lord Elgin, an impartial judge if ever there was one, was by no means satisfied with all he saw.

The relative position of the classes, said Elgin, had completely changed since emancipation: the bankruptcy lists on the one side, the rapid increase of small freeholds on the other, were sufficient evidence of that.⁶ This change in material circumstances, however, was only part of the picture. The negroes had a general deference for law: but 'in spite of improved prison discipline, crime has not diminished: the utmost that can be said on this point being, that its increase appears to have received a check'. The atten-

¹ *P.P.*, 1842, xiii (H.C. 479), p. iv.

² *Ibid.*, QQ., 7442-4.

³ FitzRoy to Stanley (24 December 1844): *P.P.*, 1845, xxxi (H.C. 146), p. 85.

⁴ *The Times*, 19 August 1845.

⁵ Elgin to Stanley (23 September 1845) (Confidential): CO 137/284.

dance at schools was falling off with the diminution of the first vague expectations that book-learning would be the means of achieving political privileges and advancement in life. The interest in education was declining, though he hoped that his establishment of a Board of Education would stimulate it by financial aid and by a system of inspection, and at the same time give more of an industrial bias to the instruction. Little as the planter seemed to realize the fact, the education of the negro along proper lines was highly in his interest.

'In this colony where there is so great an abundance of cheap and uncultivated land, no measures for producing an immediate increase of population that are consistent with the first principles of liberty, could occasion such a pressure on the means of subsistence as to reduce wages to the lowest point, and render the peasantry absolutely dependant upon them, so long as they are content to live as slaves have lived before them. The best security for their looking to something beyond what their provision grounds furnish is to be found in the encouragement among them of those tastes and habits which civilization creates, leading as such tastes and habits inevitably do to the existence of wants which cannot be gratified without exertion and money.'

The Baptist missionaries with their suspicion of industrial education and all labour for wages and their aspirations to political power were the warmest friends but not the wisest advocates of the negro; and the planters for their part clung too closely to the methods of the past and the 'foreign aid' of immigration, and must be brought by patience and tact to rely rather on scientific agriculture. Mutual distrust was indeed gradually subsiding in Jamaica, but the colony had a long way to travel before it attained a satisfactory state of society. There was need for active guidance of the West Indies along the paths of progress.

'The Act of Emancipation was the commencement of a great work of wisdom and philanthropy—not its consummation. Other communities composed of mixed African and European races have, like the British Colonies in this quarter, achieved freedom. But it is a melancholy fact that they are more frequently referred to as a warning by its adversaries, than quoted as examples by its friends.'

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¹ Elgin to Stanley (5 August 1845) (Confidential): Bell and Morrell, *op. cit.*, pp. 424-8. See also Morison, *The Eighth Earl of Elgin*, Chap. II.

It would be unfair to judge harshly Lord Stanley's regime in the West Indies. He was awake to the fact that Great Britain had some responsibility for restoring prosperity to the colonies as far as might be, and that this was in the best interests of the negroes themselves; he established friendly relations between the Imperial Government and the West Indians; he initiated that Indian emigration which was in the end to do so much for some at least of the West India colonies. Nor did he close his mind to the possibility of improvements in the plantation system: he urged upon Guiana and Jamaica a consideration of the advantages of the *métayer* system or of some separation of the business of owner, grower, and manufacturer.¹ The chief criticism that can be levelled against him can be levelled against nearly all his contemporaries. It is that he adhered too closely to the principle of *laissez-faire*: that, whilst listening to the planters and making their suggestions the basis of his policy, he let them go on living from hand to mouth as they had always done. In reality, as Elgin was quick to perceive, both planters and negroes required to be stimulated to improvement. The necessity for this did not diminish when the path of co-operation was preferred in 1839 to the path of direct control. Stanley, however, left the West Indies little better fitted in 1845-6 than they had been in 1841 to meet their rivals in the markets of the world.

¹ Stanley to Light (7 February 1842): *P.P.*, 1842, xxix (Cmd. 376), p. 141; Stanley to Metcalfe (1 March 1842): *ibid.*, (Cmd. 374), p. 50.

VIII

COLONIAL PREFERENCE AND FREE TRADE

BY common consent the most striking feature of Peel's Administration was his commercial policy. He took up the task, which Huskisson had laid down, of freeing British trade from the old restrictions. His performance of this task could not but affect at every turn the relations of Great Britain and her Colonies. For Huskisson had left colonial preference an essential part of the British commercial system. Colonial goods were given privileges in British markets; colonial markets were still to a great extent reserved for British manufactures; and the colonial trade was still confined mainly to British ships. Not that the system was a unified whole: on the contrary it was almost grotesque in its lack of uniformity. In the tariff of the United Kingdom differential duties existed on many articles, but by no means on all: and where they did exist there was the utmost diversity. In some cases—wool being one—the colonial article was admitted free, the foreign at a moderate duty. In the case of fish oil, the colonial article was admitted at a nominal duty: the duty on the foreign product was prohibitory. Colonial fish was admitted free; most kinds of foreign fish were prohibited. On colonial (or rather Cape) wine there was a revenue duty of 2*s.* 9*d.* per gallon, on foreign wine a duty of 5*s.* 6*d.*—and there had been discussions with France on the question of a reduction. On colonial coffee there was a revenue duty of 6*d.* a pound, the duty on foreign coffee being 1*s.* 3*d.*; on colonial sugar the duty was 24*s.* per cwt., on foreign sugar 63*s.* In both of these cases the foreign rate was virtually prohibitory—unless indeed foreign coffee-growers went to the trouble of sending their produce to England via the Cape, when it could come in at a duty of 9*d.*¹ In the case of refined sugar there was a prohibitory duty even on the colonial article. The cases of timber and corn were peculiar. The British forests were virtually exhausted, but home timber still had a preference over

¹ Some 3,000,000 lb. were thus imported in 1839: *P.P.*, 1840, v (H.C. 601), p. 301.

colonial timber, in addition to the preference of colonial over foreign: the duty on foreign timber was high, but timber came in none the less from Poland and the Baltic. The British corn-grower, on the other hand, still fed the country, and protection was still the primary object of the corn law. The duty on colonial wheat, however, was only 6*d.* per quarter when the price was over 67*s.*—as it had been in 1839 on a general average, and in others of those lean years 1838–41 not infrequently—and 5*s.* when it was below that level, whilst the foreign duty became nominal only when the price reached 73*s.*, and at lower prices became gradually so high as to be virtually prohibitory.¹

In the tariffs of the colonies the rates of preference also varied, and there not only as between different articles, but also as between different groups of colonies. At the Cape and in the Eastern Colonies the preference was from 5 to 7 per cent. only: in the West Indies, in the case of unenumerated articles it was 15 per cent., and on some commodities, chiefly manufactures, it was 20 or 30 per cent. To crown all, these preferences were regulated by different authorities in different colonies. In North America and the West Indies the rates were prescribed by a Possessions Act of the Imperial Parliament; and after 1825 the same rule held good for Mauritius. At the Cape and in numerous minor colonies, acquired by conquest, the regulation of the preference was left by the Possessions Act to the Crown in Council.² In the Australasian Colonies, no Imperial duties existed. The Governors and Legislative Councils of New South Wales and Van Diemen's Land were empowered by Act to levy duties of not more than 10*s.* a gallon on British and not more than 15*s.* on foreign spirits, not more than 4*s.* a pound on all tobacco, and not more than 15 per cent. *ad valorem* on all foreign goods; they had no general power of taxing British goods.³ In all the colonies there were of course 'colonial

¹ List in *P.P.*, 1840, v (H.C. 601), pp. 69–70. Corn does not, however, appear in this list. The figures are those holding good up to 1840, when the Budget increased duties 5 per cent. all round, except those on corn, which were left alone, and those on spirits and timber, which were increased by a specified amount.

² In Ceylon, however, it was in fact regulated by a local Tariff Ordinance.

³ 3 Geo. IV, cap. 96; 9 Geo. IV, cap. 83. In the South Australian Acts nothing was said on the subject.

duties': the theory since the Declaratory Act of 1778 (18 Geo. III, cap. 12) had been that these were imposed for revenue purposes only, and the Imperial duties for the 'regulation of commerce'. The Imperial Parliament had learnt at least that one lesson from the American Revolution. On the other hand, the Colonial Legislatures were difficult bodies to handle, and their duties did not always aim only at revenue.

This queer, straggling, lop-sided growth was what went by the name of the colonial system. Trade had grown up under the system and had grown used to it, and the work of Huskisson had been to lop off a branch here and a branch there, but by no means to dig at the roots. He had 'opened the colonial trade to foreigners'; but the mutual preference which took the place of compulsion was equally effective. Great Britain was still pre-eminent as a colonial market and source of supply. In 1840 British exports to the West Indies amounted to some £3,500,000—only India, Germany, and the United States took more—out of a total import trade there of less than £5,500,000. Of the other West Indian imports £600,000 worth came from British North America. West Indian exports consisted chiefly of sugar: in that year the total value of the exports was £6,300,000, the value of the exports to Great Britain and Ireland £5,700,000. Out of the import trade of £4,700,000 of the British North American Colonies, £3,100,000 worth came from Great Britain; and they sent to Great Britain and Ireland timber and other goods to the value of £2,675,000, out of an export total of £3,950,000. The imports of the Australasian Colonies came almost entirely from Great Britain: to Great Britain went nearly all their wool. In most of these cases other British colonies came second on the list. Even in old foreign colonies such as Mauritius and the Cape, which still imported largely from France in the one case, from Holland and Java in the other, Great Britain held the leading place, and as a market for exports completely predominated.¹

Whether the system really worked to the advantage either of Great Britain or of the colonies is another question. It

¹ *P.P.*, 1844, xli (Cmd. 591): 1842, xxxix (Cmd. 375). The latter deals with British exports and the figures do not of course completely tally. Naturally, too, there were considerable fluctuations from year to year.

does, however, seem clear that such advantages as did arise from it went to the colonies rather than to Great Britain. Such was the opinion expressed at this time by Merivale, who claimed in his Lectures to have shown

‘that although, under certain contingencies, and granting a variety of favourable circumstances, a country might gain by the possession of an artificially monopolized market for her manufactured commodities, yet, in actual practice, such gain is found to be almost wholly illusory; that the disadvantages of a forced trade in manufactured commodities are almost always greater than its advantages, but that to a country possessing the means of manufacturing cheaper than the rest of the world the benefit must be visionary altogether; while, in order to secure this delusive profit, we are forced to concede to our colonists a monopoly for their raw produce, which is a real and substantial loss to ourselves.’¹

There is no reason to suppose Merivale’s conclusion wrong; and whilst the Mother Country suffered material loss by the operation of the system, the colonies to some extent at least gained at its expense. The fact that British manufactures would be able to hold their own in any case meant that it was very questionable whether the greatest sacrifice the system required of the colonies was in reality a sacrifice at all. Real restrictions upon them of course there were—those, for instance, imposed by the navigation laws; but the favours enjoyed by their sugar, their coffee, their timber, their wool were felt to be a real advantage to their producers, and two of the three principal groups—the West Indian and the Australasian—lived almost wholly by their export trade. In any case, the colonies held no such place in the economy of Great Britain as Great Britain held in theirs. Sir Henry Parnell put the point forcibly and without much exaggeration when he wrote in 1830: ‘As the Colonies form so small a portion of the market for British goods, the admission of foreign competition in them would scarcely be perceived at home.’²

The fact that the system was part of the national tradition was an argument which cut both ways in the years which preceded and followed the passage of the great Reform Bill.

¹ *Lectures on Colonization and Colonies* (1861 edition), p. 221.

² *On Financial Reform* (1830), p. 240.

To the new men of the industrial north, and their allies the political economists, it was sufficient that it produced material loss, and that the material well-being of the community could best be promoted by leaving trade to take its own course. They were not attracted but repelled, indeed, by the traditional arguments for the maintenance of a strong colonial Empire. Cobden spoke of the colonies as expensive incumbrances, making dazzling appeals to the passions of the people.¹ The closest ties of industrial Britain were with the United States of America. 'The States supplied the material for the ruling British industry; they were the greatest purchasers of British exports; they were absorbing British capital and playing with it as a young country, with a continent in reserve, is tempted to play with any tool or toy.'² This being so, it is not surprising that the colonial system, like the other restrictions on trade, was coming in for an ever-growing volume of criticism. This criticism culminated in the Report of the Committee on Import Duties in 1840, which recommended

'that as speedily as possible the whole system of differential duties and of all restrictions should be reconsidered, and that a change therein be effected in such a manner that existing interests may suffer as little as possible in the transition to a more liberal and equitable state of things.'

The colonies could find their compensation in a permission to trade freely with all the world.³ Deacon Hume, Porter, and McGregor, the able officials of the Board of Trade, emphatically expressed the opinion, in their evidence, that the colonial system generally benefited neither the colonies nor the Mother Country. The Colonial Reformers and their organ *The Spectator* were active opponents of the system. But the Import Duties Report, though significant, was chiefly important as a piece of propaganda. Peel confessed that he had never even read it. The system, in short, was not yet dead. Huskisson's ultimate objective was rather free trade within the Empire than free trade with the world,

¹ Cobden to Ashworth (12 April 1842): Morley, *Life of Cobden*, vol. i, p. 230.

² Clapham, *Economic History of Modern Britain: The Early Railway Age*, p. 513. Cf. also Cobden, *England, Ireland, and America* (1835) *passim*.

³ *P.P.*, 1840, v (H.C. 601), p. vi.

and at first it seemed as if the work of Peel would be to rationalize the system and give it a new lease of life, not to destroy it.

Peel came into office because the country was tired of the Whigs, but it was an interference with the colonial system that precipitated their fall. In his Budget of 1841 Baring, the Whig Chancellor of the Exchequer, proposed to reduce the preference on timber from 45s. to 30s. a load, and the preference on sugar from the prohibitive 39s. a cwt. to 12s.¹ The former proposal attacked the system at one of its weakest points, the latter at one of its strongest. True, sugar had been dear these last two years, but it was cheaper in 1841 than it had been in 1840, when Ministers had resisted a very similar proposal for the reduction of the duty. Were there not, moreover, special reasons for the high price? After all the whole social system of the West Indies had but recently undergone a revolutionary change. The West India interest protested vehemently that they would be irretrievably ruined by the measure; that the slave trade and slavery would be encouraged, and that the emancipated slaves would relapse into barbarism. They were strongly supported by the Conservative party in Parliament, and by *The Times*.

'To extirpate the practical evils of slavery the people of this country consented, at the instigation of the Whigs, to make the enormous sacrifice of twenty millions sterling; and at length, when our national finances have become considerably embarrassed in consequence of that arrangement, we are gravely told by those same Whigs, that, in order to make up the deficit, it is now necessary to encourage the importation of slave-grown sugar at a suitable duty, and thus draw from the slave produce of foreign colonies the fiscal resources that may pay for its suppression in our own.'²

Peel and his lieutenants claimed that the increasing production of India and Mauritius would be a check upon extravagant prices. It was in vain that the Government urged that competition gave a stimulus to industry and inventive energy and that some protection would still be given; in vain that they pointed to the consumption of slave-grown cotton and slave-grown tobacco and to the refinement in

¹ House of Commons, 30 April 1841: *Hansard*, Third Series, vol. lvii, pp. 1295-1308.

² *The Times*, 7 May 1841.

bond of slave-grown sugar itself. The House was determined not to compromise any further with the evil thing. Party politicians, philanthropists, professed believers in the colonial system, and proprietors of West Indian estates went into the lobby together and defeated the proposal by 317 to 281. Whatever the issues at the ensuing general election, the West India colonies at least had reason to hope that their special privileges under the colonial system would be maintained in their integrity.

Yet Peel was certainly not a rabid opponent of free trade: indeed, in the course of the sugar duty debates he had expressly declared his belief in the principles of Huskisson, in 'the progressive and well-considered relaxation of restrictions upon commerce'.¹ In his first Budget he put this declaration of principle into practice. Among other things he, like Baring, proposed to deal with the timber duties; but whereas Baring's plan had been to raise the colonial duty, Peel proposed to lower the foreign duty. Petitions against Baring's proposal had arrived from Canada, New Brunswick, and Nova Scotia, though in Canada, according to Sydenham, the subject really excited little interest outside the port of Quebec and the lumbering districts round the Ottawa.² Peel had, however, some reason to hope that his proposal would be somewhat more acceptable. Estimating the average rate of duty on all kinds of timber at about 41s. a load on the foreign, 8s. or 9s. on the colonial article, he proposed after 5 April 1843 to reduce the duty on ordinary foreign timber to 25s., on deals and sawn timber to 30s., and the duty on the colonial product to 1s. and 2s. respectively.³ He justified this change in words which were often quoted:

'I think it desirable that we should act on the principle of treating Canada as if it were an integral part of the Empire. The distance of Canada from this country, and the cost of bringing timber to this country, must in itself necessarily place Canada under a great disadvantage in her commerce in that article with this country; and

¹ *Hansard*, Third Series, vol. lviii, p. 632.

² Sydenham to Russell (26 August 1841): *P.P.*, 1842, xxxix (H.C. 287), p. 13.

³ There were many other kinds of 'timber', but these two were the chief. The duty on many kinds was not previously levied by the load. Eventually, it may be noted, the change of duty was made to take full effect only from 10 October 1843, and the duty on foreign deals was fixed at 32s.

therefore I think . . . that we have no alternative at all but to admit Canadian timber into this country at an almost nominal duty.'¹

Greville tells us that there was much criticism of the sacrifice Peel had made for colonial timber, but Roebuck's motion for the abolition of the preference was lost by 243 to 16. The New Brunswickers again expressed alarm at the diminution of the preference: it would 'have a strong tendency to shake that loyal affection, which they have hitherto cherished with such honest zeal towards the parent state':² but Stanley told the colonists that they were not entitled to argue from the low prices then ruling, and that the timber trade would doubtless benefit when the general lowering of duties produced its effect.³ In an outspoken private letter soon afterwards Peel declared that the reduction of the duty on timber was the best thing the Ministry had done.

'All species of ship-building, all parties concerned in fisheries, all public works—piers, harbours, and coffer-dams, all public buildings, all repairs of farm-houses will be benefited by the free access to Baltic timber. . . . The colonies will indeed be burdensome to us if, in addition to the cost of defending them, we are to submit to enormous burdens to encourage the consumption of their inferior timber. . . . We are going to submit the timber-growers at home, by the removal of the duty on colonial timber, to unlimited competition with colonial growers. This for the first time, and without notice. It would be absurd if the colonial growers were to insist on *extravagant* protection from the competition of foreign growers.'⁴

Moderate colonial preference might be described as one of the fundamental principles of Peel's Budget of 1842. It was to be at a reduced rate in 98 cases out of 131: the preference on coffee for example was to be reduced from 9*d.* to 4*d.* a pound, and the preference on cocoa from 4*d.* to 3*d.* In four cases, among them tobacco, the preference was abolished: in twenty-one cases, sugar and spirits among them, it was left unchanged: in eight cases—notably those of

¹ *Hansard*, Third Series, vol. lxi, pp. 459–61.

² Colebrooke to Stanley (29 and 30 March 1842): *P.P.*, 1842, xxxi (H.C. 301), p. 335; xxxix (H.C. 287), pp. 20–1.

³ Stanley to Colebrooke (17 May 1842): Bell and Morrell, *op. cit.*, pp. 327–8.

⁴ Peel to Croker (13 August 1842): *The Croker Papers*, vol. ii, pp. 387–8.

'provisions' (bacon, beef, butter, cheese, &c.)—the differential duties were altered in favour of the colonial product.¹ On a motion of Lord Howick, objecting to the principle of colonial preference, and demanding that no new preferences should be imposed, the Ministry rallied to the defence of the principle. Peel was still enough of a mercantilist to ask—'Why retain the colonies if we are to derive no advantage whatever in respect to commercial intercourse—no advantages to navigation—no exclusive privileges for British shipping?'² Stanley, above all, eloquently defended preference as the true Imperial policy.

'The colonies were not entitled to be placed on the same footing as this country, for they did not bear the same taxes, and did not pay for military protection . . . but . . . was it nothing that they had extended to all parts of the world—subject to no hostilities, subject to no caprice, to no embarrassment—the means of carrying on a trade unchained and unfettered by foreign restriction—a trade the most beneficial of all they were engaged in, a trade which more than any other employed our shipping, consumed the produce of our manufactures, and gave encouragement to native and colonial industry—and more than all that, which kept entire that strong, that beneficial tie of nationality, that tie of mutual connexion between the different parts of this great Empire, which constituted its protection from war and its strength and glory in peace?'

The sense of mutual commercial advantage was, he declared, one of the strongest bonds of Imperial Union.³

Howick's motion was defeated by 281 to 108. *The Times* was doubtless not alone in thinking that Great Britain should follow the example of Prussia and form a Zollverein of her own—tending 'to assimilate the dependencies to her own territory, imposing on them all the obligations which belong to her subjects, but conferring on them, at the same time, all the privileges of those subjects, without barriers, reservations, or restrictions'.⁴ This was a real alternative to free trade. Peel was a statesman, not a prophet, and was not given to formulating his ideals, but it may well be that this

¹ *Hansard*, Third Series, vol. lxiii, pp. 520-1 (Mr. Gladstone); 5 & 6 Vict., cap. 47.

² *Hansard*, loc. cit., pp. 542-3.

³ *Ibid.*, pp. 532-5.

⁴ *The Times*, 31 March 1842.

ideal, which had attracted Huskisson, was at the time also attracting him.

If, however, the colonies were to be treated as 'integral parts of the Empire', in other words as part of a real Imperial Zollverein, there must be no protective duties on inter-imperial trade. Now among the measures of 1842 was a new corn law. The duty of 5s. on colonial corn, hitherto payable when the price was below 67s., was made payable only when it was below 55s.: at that point a sliding scale began, and at 58s. the duty fell to 1s. At the same time the foreign sliding scale was made less steep, and the maximum duty was to be £1. A concession had been made to the colonial corn-grower, but for some time past the Canadians had been asking for something more. In 1836, and again in 1840, the Assembly of Upper Canada had urged that their wheat and flour should be admitted to Great Britain free of all duty whatever.

'The inhabitants of this province are and must continue to be consumers of British manufactures; their trade is naturally directed to her ports; their exports and imports are conveyed by British shipping, and whatever increase of price we derive from the products of our soil will in like proportion enable us to increase the amount of our importations in her fabrics, without materially interfering with the agriculturists of Great Britain.'¹

At least a plausible argument—but Sydenham at the time thought the Canadians had no right to be discontented with things as they were. A year later, however, there was an abundant wheat harvest, and yet the farmers and millers derived little advantage from it, so low was the level of prices. There was an outcry for protection against American corn; but Sydenham thought a freer market in Great Britain would be a better remedy than a protected market at home.² A year later still, this concession was again asked for, this time by the merchants of Montreal. The duties on wheat and flour might, they said, appear low, but still importation did not pay: and the duties on the coarser grains and on 'provisions' were prohibitory.

'The expense of inland transport, and freight across the Atlantic,

¹ Poulett Thomson to Russell (15 February 1840): *P.P.*, 1841 (2nd session), ii (H.C. 4), p. 2.

² Sydenham to Russell (21 January 1841): *P.P.*, 1841 (2nd session), ii (H.C. 4), p. 6.

is greater, in proportion to the produce of the soil in Canada, than are the rates and taxes paid by the farmer in Great Britain to the produce of the soil there; wherefore your petitioners submit he is already sufficiently protected.’¹

The diminution of the provision duties, which aimed at creating a trade in provisions with the North American Colonies, went some way at least towards meeting the Canadian requests; and Gladstone privately admitted the force of their general argument on the more important question of wheat and flour.² A motion of Smith O’Brien, the future Irish rebel, for a reduction to 1s. per quarter of the duty on all colonial corn was however resisted and defeated by 135 votes to 38. Let us, said O’Brien, encourage the colonists to devote themselves to agriculture rather than to manufactures. ‘The colonists had largely supplied this country with the means of defence against her enemies, and they were also the greatest consumers of her manufactures. The time, too, must come, when the increase of population in this country would render us mainly dependent on a supply of corn from abroad, and to whom could we then look so advantageously as to our own colonists?’³ The answer of the Government was that concession would not be a concession to Canada so much as to the United States. The importation of flour from Canada had suddenly risen in 1839–41 from a few thousand hundredweights to 682,000, in addition to 64,000 quarters of wheat; but there had been no such miraculous expansion in Canadian agriculture.⁴ If there were a duty in Canada upon American wheat, the Canadians, said Stanley, would be entitled to a greater relief: but there was none and the Canadians did not appear to want one.⁵ In answering the Canadian memorials, Stanley took the same ground, though he expressed the hope that the new corn law would steady prices and of itself be beneficial to the

¹ Bagot to Stanley (21 February 1842): Enclosure: *P.P.*, 1843, liii (H.C. 18), p. 6.

² Memo. on Duties on Wheat and Wheat Flour into and from the Colonies (17 February 1842): *Peel Papers*, vol. cclxxxviii.

³ *Hansard*, Third Series, vol. ix, p. 1230.

⁴ *Ibid.*, pp. 1235–6 (Mr. Gladstone).

⁵ *Ibid.*, pp. 1231–3. It had at first been proposed to levy a duty of 3s. by Imperial Act: see below, p. 187.

Canadian producer.¹ The Canadians had in effect been shown the way to make their demand unanswerable, and they seized their opportunity. On 30 September 1842 the Assembly resolved by 49 votes to 13

'that it is expedient, in order to encourage the agricultural interests of this province, and facilitate the free admission of Canadian wheat into the ports of the United Kingdom, to impose a duty on foreign wheat imported into this province.'²

A duty of 3s. per quarter was imposed accordingly. Hincks accompanied the Bill with a memorandum arguing that under the existing law 58s. 6d. per quarter was the minimum market price at which it could pay the Canadian grower to sell his wheat in England.³ Peel had assumed that foreign wheat began to compete when the price reached 56s.: accordingly, even after the changes of 1842, the concession would be one worth having.

The Canadians could now say that the logic of the principles professed in 1842 was on their side; but it meant reopening the question of the corn laws—a very delicate operation. As Graham wrote to Peel:

'Stanley's despatch to Bagot is more strongly expressed than caution justifies. . . . This may be considered as an engagement binding in honour, and, if so, it must be fulfilled. But it will be found a very inconvenient and dangerous operation in the present temper of our agricultural supporters. . . . As you cannot have a decisive alteration, it is far wiser to make none.'⁴

But Peel and Stanley agreed that it was a question of keeping faith; and Stanley introduced a Bill accordingly in 1843 substituting a fixed duty of 1s. a quarter on wheat and a proportionate duty on flour, the produce of Canada, for the sliding scale of 1842. The only economic arguments used were precisely those used by Smith O'Brien the year before. The measure won a certain amount of outside support on political grounds, as being an indication of cordial goodwill towards Canada. The Canadian Assembly, said Charles

¹ Stanley to Bagot (2 March 1842): *P.P.*, 1843, liii (H.C. 18), pp. 3-4.

² *P.P.*, 1843, liii (H.C. 294), pp. 4-5. On opinion in Canada see Burn, 'Canada and the Repeal of the Corn Laws' in *Cambridge Historical Journal*, vol. ii, pp. 252 ff.

³ CO 42/504: No. 278.

⁴ Graham to Peel (30 December 1842): C. S. Parker, *Life and Letters of Sir James Graham*, vol. i, pp. 331-2.

Buller, 'had preferred Free Trade with England to Free Trade with the United States';¹ and he and Joseph Hume were prepared to regard the wishes of Canada as the primary consideration, especially as the Bill was a step towards freer trade. *The Spectator* joined with *The Times* in applauding the Bill. The Whig Opposition, however, was able to advance some awkward arguments. Why, asked Labouchere, moving an address to the Crown to withhold its assent from the Canadian Act, should the Canadian Treasury pocket the proceeds of a duty on American wheat paid in fact by the English consumer? Why should Canada be granted a privilege which other colonies were to be denied? He was not prepared to sweep away all colonial preferences, but he was opposed to raising up new protected interests which might prove 'a serious obstacle to any rational alteration of the Corn Laws in this country'.² There were, moreover, as Graham had foreseen, loud murmurs voiced in the House of Lords and at numerous meetings in the country, from the agricultural interest. Disraeli voted against the Bill. Palmerston expressed privately to Russell his sympathy with the agricultural point of view.³ The Government endeavoured to assure the country that the breach in the Corn Laws was a very little one; that no other colony could put forward a comparable claim;⁴ but these murmurings were significant. To the strongest protected interest in Great Britain the idea of free trade within the Empire was almost as obnoxious as that of free trade with the world. Logic might be against them, but vested interests have a logic of their own. Peel had indeed won a victory on this particular issue, but if he were aiming at an Imperial Zollverein he must fight a battle on both flanks—against protected interests on one and against the free traders on the other.

In the event the Canada Corn Act (6 & 7 Vict., cap. 29) was the last extension of colonial preference to be made for many a day; for it was not the general principle so much as the special considerations of political expediency and prior

¹ *Hansard*, Third Series, vol. lxix, pp. 640-5.

² *Ibid.*, pp. 601-9.

³ Gooch, *Later Correspondence of Lord J. Russell*, vol. i, pp. 63-4.

⁴ *Hansard*, Third Series, vol. lxix, pp. 649-59 (Mr. Gladstone).

engagements that had enabled Peel to overcome the resistance of the agricultural interest. When other colonies, not unnaturally, asked that the principles of the Act be carried further, this became plain. The Chamber of Commerce of St. John, New Brunswick, wanted to have American timber imported through the colony reckoned as colonial.¹ London merchants and shipowners connected with the Australian and Cape trades, and parties interested in South Australia, petitioned the House of Commons for an extension of the Corn Act; and Hutt moved for a Committee to consider the claims of Australasia, South Africa, and India. The only possible answer was that they could hardly be reckoned as corn-exporting countries, and that the case for reopening the whole question of the corn law was therefore insufficient;² and the motion was rejected by 117 to 47.

In 1845 Hutt re-entered the lists, confining his motion to Australia. For in the interval the Australian Colonies had loudly voiced a demand for this concession. The Legislative Council of New South Wales took the matter up, and Robert Lowe, in characteristically caustic tones, supported the plea and denounced the selfish attitude of the English landowners. What claim had Canada for this special favour?

'In Australia there was a whole population of British origin; the greater part of the Canadian population was alien in language and in blood. We had not yet raised our hands against the Mother Country; Canada had been recently the scene of rebellion. Canada had never contributed to the welfare of the Mother Country: Canada had only created expense. This colony, on the other hand, produced an export every year increasing in quantity and becoming more valuable to the Mother Country by enabling her more successfully to compete in her woollen manufactures with the whole world. If England persisted in this Joseph-and-his-brethren sort of system, she would retain perhaps numerous dependencies, but she would never become the vast united empire which she ought.'³

South Australia and Van Diemen's Land joined in: George Grey predicted that the former colony would soon be able,

¹ Colebrooke to Stanley (28 April 1842): CO 188/82.

² *Hansard*, Third Series, vol. lxxiii, pp. 1553-68 (Mr. Gladstone).

³ Patchett Martin, *Life and Letters of Viscount Sherbrooke*, vol. i, pp. 221-3. Note that the duty of 1d. a lb. on foreign wool was taken off in 1844.

granted this concession, to export 100,000 quarters of wheat annually,¹ and Wilmot thought that in the latter the revival of agriculture would absorb the convict 'passholders' who were now a deadweight upon the Imperial Treasury.² At home *The Times* lent its powerful support, and cynically remarked of the Ministerial policy:

'Canada was powerful and unsettled; Canada growled, and a bone was thrown to it. Australia is a colony comparatively weak in infancy; Australia has no United States near to its boundary, no French *habitans* within its bounds.'³

Abuse and argument, however, were equally ineffectual against the determination of the Government not to yield another inch. Australian corn, said Peel, could not profitably be introduced until prices reached a level at which the duty would only be 2s. in any case. No, it was least embarrassing to be illogical and let things remain as they were.⁴ Whig speakers made some play with the argument that the measure could not be at once dangerous to the agricultural interest and immaterial to the colonies, but in vain. Although several members from the Government side voted with Hutt, his motion was lost by 147 to 93. The colonies might clamour as much as they liked, but the gate, after being forced open ever so little, had been shut again and would remain shut. So at least thought the landowners; but Peel was already thinking of opening the gate not to a few favoured colonies but to all the world. More and more, the arguments for special privilege were ceasing to carry weight with him, and the needs of the consumer—'the common man'⁵—were becoming the dominant factor in his policy.

Peel's concern for the consumer also manifested itself in an effort to settle the complex question of the sugar duties. The West Indian proprietors were, as we have seen already, the most strongly entrenched of all the colonial protected interests; and Peel had fought by their side in 1841 against the Whig proposal to reduce the prohibitory duty upon

¹ Grey to Stanley (6 February 1844): *P.P.*, 1845, xli (H.C. 211).

² Wilmot to Stanley (14 July 1844): CO 280/170.

³ *The Times*, 11 April 1845.

⁴ House of Commons, 8 May 1845: *Hansard*, Third Series, vol. lxxx, pp. 326-33.

⁵ Clapham, *Economic History of Modern Britain*, vol. i, p. 584.

foreign sugar. In 1842 and 1843 he resisted alike the equalization of duties suggested by the Free Traders and the substitution of a moderate preference for a monopoly, proposed by the Whigs. Yet he had no intention of allowing the West Indians to enjoy perpetual exemption from the general rule that restrictions on trade should be progressively relaxed. It would be impossible to maintain such a position. The West Indies were still producing, on an average, at least a million hundredweight less than in the days of slavery and the apprenticeship; and the expectations that India and Mauritius would fill the gap were not being realized. The price accordingly remained high; and a mere reduction of duties might not suffice to lower it, for the productive capacity of the West Indies was limited by their lack of labour. There was a very strong case, therefore, for admitting other sugar into the markets of Great Britain. To men like Cobden, Hume, and Roebuck it was a conclusive case. The colonial planters had not even the decent excuse of the English landowners that they had special burdens and paid taxes to the State: as for the negro labourer, he earned as much in seven hours as three Englishmen earned in sixteen.¹ The West Indies had been so long unstable that to wait till they were ready for a change was to wait till doomsday.² Roebuck was ready in such a cause to consign 'Jamaica to the bottom of the sea, and all the Antilles after it'.³ Peel, however, was not prepared to draw such sweeping conclusions. He and his colleagues denied that the existing system was wholly to the advantage of the planters. They were not allowed to bring their sugar to England in the refined form, in which the duty would bear the smallest proportion to the value; the law forbade the use of their sugar in the distilleries of the Mother Country, and of their molasses in its breweries. Nor must it be forgotten, when it was proposed to apply to them the principles of free trade, that they were not allowed the freedom which other producers enjoyed of hiring labour wherever they could find it cheapest on the face of the globe.⁴ Above all, Peel believed that to admit sugar without regard

¹ *Hansard*, Third Series, vol. lxiii, pp. 1174 (Cobden), 1208 (Hume).

² *Ibid.*, vol. lxx, p. 223 (Ewart).

³ *Ibid.*, vol. lxiii, p. 1218.

⁴ *Ibid.*, vol. lxx, pp. 255-6.

to the country of its origin would be a direct encouragement to slavery and a stultification of the abolition measure of 1833. It was still possible, however, to do something to meet the demand for cheaper sugar; and in the recess of 1843-4 Peel decided to act.

His main objects were to relieve the consumer, to give a reasonable preference to the colonial grower, and to exclude entirely sugar grown by slaves. At first he had hoped it might be possible to negotiate a treaty with Brazil for the abolition of slavery there, but this proved to be impossible; and the sources of supply were virtually limited to Java and the Philippines.¹ It was also doubtful whether the revenue could stand any reduction of the duty on colonial sugar. This might however be possible next year, and Peel accordingly adopted a suggestion of Gladstone that the measure be divided into two parts, the second being kept secret till the 1845 session to prevent reactions on the market.² The first half of the plan, announced in the Budget of 1844, was simply to reduce the duty on foreign free-labour sugar to 34s., leaving a preference of 10s. on colonial. The proposal was greeted with a storm of criticism. The Whigs, with Lord John Russell at their head, objected—though Peel denied it—that the importation of such free-labour sugar would simply leave a gap in the markets of the Continent, which would be filled by the produce of the very slave labour which Peel professed to be discouraging. They pointed out once again that we cheerfully admitted and consumed other slave-grown produce. They were willing to allow the West India interest a preference as against the foreigner, but nothing more. Their amendment was lost by 197 to 128. The Free Traders moved that there be no preference at all. The energies of freedom, said they, would enable the labour of the free man to hold its own against the exacted labour of the slave. Their amendment was however defeated by the crushing majority of 259 against 56. Peel was in fact in most danger from the West Indians.

The temper of the West India body was not improved by

¹ Until the expiration of the existing 'most favoured nation' treaty with Brazil nothing could be done at all.

² Memo. of Gladstone (21 March 1844): *Peel Papers*, vol. ccxc.

the fact that not only was their sugar monopoly to be taken away, but the duty on foreign coffee—‘the only article of West India produce’, said Goulburn regretfully, ‘which gives any profit to the producer’¹—was to be reduced from 8*d.* to 6*d.*, and the colonial preference thus reduced to 2*d.* per pound; and the preference on cocoa was to be reduced from 3*d.* to 1*d.* The high price of sugar was due to the shortage of labour, and this in turn to the disappointing results of the immigration schemes. Their protection, the West Indians complained, was being unjustly diminished, whilst the right to introduce free labourers as they wished was denied them.² They appealed for the support of the agricultural interest, urging that its turn would come next.

As a matter of fact, not only Goulburn and Stanley, but also Gladstone, who was with Peel the real author of the measure, admitted that the case of the West Indians was hard; that if larger interests required that they should be subjected to new competition, they should as far as possible be given compensation. Some relief, he argued, had already been afforded by the lowering of duties under the Possessions Act of 1842;³ and he pointed out ways in which more could be given. The principle of classification should be adopted so that the West Indies might not suffer from the fact that their sugar was on the whole in a cruder state than foreign. The importation of refined sugar should be permitted, and if possible the distillery and brewery prohibitions should be removed. The investment of capital, in the Eastern plantations if not in the Western, should if possible be encouraged by placing sugar on the permanent tariff; and in some way or other the planters’ command of labour should be enlarged.⁴ The first two of these proposals Peel postponed for the present; the third was hardly practical politics, for the agricultural interest was only one degree less touchy on the subject of barley and malt than on that of wheat; and the division of the measure into two parts necessarily involved a postponement

¹ Memorandum of Goulburn (n.d.): *Peel Papers*, vol. ccxc.

² It was also pointed out by the Agent for Jamaica that the abolition of slavery had greatly increased the public expenditure of the colonies.

³ See below, pp. 186–8.

⁴ Memoranda on the Sugar Duties (5 September and 10 October 1843): *Peel Papers*, vol. ccxc.

of the proposal of a permanent settlement. Peel did, however, go some way to mollify the West Indians; he gave it to be understood that he proposed to maintain the ten shilling protection; and, though he did not assent to Stanley's suggestion of a guaranteed loan, he did sanction at this time the scheme of Indian immigration into the islands.¹ The whole case, however, could not be publicly put forward, and the present measure was the less spectacular half of the complete plan. Meanwhile the Government had a narrow escape. Mr. Miles on behalf of the West Indians proposed that the duty on British colonial sugar should be 20s., on free labour 'brown muscovado' 30s., and on the superior quality of 'white clayed' 34s. per cwt.—an omnibus motion designed to catch the votes not only of the West Indians, who thought they would get the benefit of the reduction of duty, but of some who might think that the benefit would go to the consumer. Bright and Cobden did not fall into the trap, and Peel strenuously resisted the proposal on financial grounds; but it was carried at first by 241 to 221. Within forty-eight hours, however, the decision was reversed by 255 to 238: Peel had threatened to resign, and a sufficient number had changed their votes 'on the menace of a Minister'. The Bill accordingly passed into law.²

In his budget of 1845 Peel used part of his five million surplus to carry out the second half of his plan. He adopted Gladstone's suggestion of classification, and proposed duties on brown muscovado of 14s. in the case of colonial, 23s. 4d. in the case of foreign free labour sugar, and on white clayed of 16s. 4d. and 28s. respectively. The duty on molasses, which had been reduced and readjusted the previous year, was to be reduced further, and finally, refined sugar from the colonies was to be admitted, at duties of 18s. 8d. or 21s. per cwt. according to quality. Peel estimated that sugar was likely to fall 1½d. a pound.³ The old Whig arguments were reinforced this session by a claim of the Spanish Government, who had been doing a little historical research, that the

¹ Stanley to Peel (11 July 1844): *Peel Papers*, vol. cclxxxviii. See also above, pp. 160-1.

² 7 & 8 Vict., cap. 28.

³ House of Commons, 14 February 1845: *Hansard*, vol. lxxvii, pp. 472-7. It fell by about 1½d.

distinction between free and slave produce was contrary to the provisions of treaties of 1667 and 1713 with that country. Palmerston supported the claim. Under the Act of 1844 sugar 'certified . . . to be the growth of China, Java, or Manilla, or of any other foreign country, the sugar of which Her Majesty in Council shall have declared to be admissible as not being the produce of slave labour and imported either from the country of its growth or from some British possession' was to be admitted at a duty of 34s. as from 10 November, when the treaty with Brazil expired. The Government had recognized that certain countries might make claims on the score of treaty rights, and claims by Venezuela and the United States had by this time been admitted. They, however, were not exporters of sugar in bulk;¹ and the Government did not admit the claim of Spain, which of course, as all the sugar of Cuba was involved, would have made their measure an absurdity. The completed measure was much more easily defended than its first instalment; and the West Indians, gratified by the concession in regard to refining and hopeful that the reduction of the duties would stimulate consumption and stop the cheap sugar cry, were among its strongest supporters. Peel had tried to consider the planter as well as the consumer. What remained to be seen was whether the cheap sugar cry had in fact been stopped, or whether the people of England would claim the right to interfere with the West India interest in the name of free trade as they had already interfered with it in the name of civil liberty.

However that might be, it still seemed to be the policy of the Ministry at once to do away with the absurdities and anomalies of the old colonial system and to preserve its essential principle. The same tendencies were at work in the field of colonial tariff legislation. We have already seen that in different colonies Imperial control was exercised in different ways, and that the rates of preference also differed. The Possessions Act of 1833 (3 & 4 Will. IV, cap. 59) indeed itself differentiated in some cases between the West Indian and the North American Colonies, and between Canada or Newfoundland and all the others. In 1841

¹ Nor did they recruit their labour supplies by the slave trade.

Labouchere, the Whig President of the Board of Trade, had begun the work of reform by a Bill lowering the general rates of duty in the West Indies and North America. Experience of lower rates of preference in other colonies, he urged, showed that British manufactures would not really suffer by this extension of the principles of Huskisson.¹ The progress of this measure was checked by the fall of the Whigs; but, despite Nova Scotian fears that it meant the loss of the West Indian trade to the Americans, it had in general been well received in the colonies, and it was not long before Lefevre of the Board of Trade was urging upon Lord Stanley the need of action.

The reform Lefevre wanted was far-reaching. The Bill, he suggested, should apply to all the colonies. It should confine itself to the imposition of duties of regulation as contradistinguished from revenue duties; it should afford a reasonable preference to British and colonial produce, but should as far as possible exempt foreign produce from duty where British or colonial competition did not exist; it should give this preference at a uniform rate, so far as might be consistent with special circumstances and with the principle that specific duties were more convenient than *ad valorem* duties; it should as far as possible apply the same rates to all the colonies; and it should do away with the anomaly which allowed separate duties to be levied on the same articles (wine and molasses) under separate Imperial Acts. One important change of circumstances should be taken into account: now that the West Indian negroes were free and themselves paid duties upon articles of food, the duties on these articles should be reduced. Finally, any loss of revenue due to the lowering of duties might be compensated by the imposition of additional duties by the colonies themselves, provided only that in doing so they did not diminish the British preference.²

The measure as brought forward at the session of 1842 was confined as before to North America, the West Indies, and Mauritius; but otherwise it proceeded upon

¹ *Hansard*, Third Series, vol. lvii, pp. 148-65.

² Lefevre to Stanley (31 December 1841) (Private): Enclosure: CO 47/116.

the principles suggested by Lefevre. The rates of duty were lower, and the advance towards uniformity was greater, than in the Bill of the previous year. It was proposed to put an end to the exemption from duty now enjoyed by many articles—notably wheat, wheat flour, and salted provisions—imported into Canada from the United States. Labouchere objected that it was essential to encourage the Western States to use the St. Lawrence as their outlet,¹ but Gladstone did not admit this to be a sufficient reason for making an exception to the general principle. He did not see how the Canadians could claim all the benefits of our colonial system if they were relieved from its limitations and restrictions: the present system allowed American goods to be imported into other colonies, by way of Canada, at colonial rates.² In the end, however, the opposition of Canada and Nova Scotia prevailed so far as the wheat duty was concerned; and the Ministry were able to use this special concession on one point as an argument against a special concession on another—the demand for the free admission to Great Britain of colonial corn.³ By the Act as passed,⁴ not only wheat but most other foodstuffs—rice, fresh meat, fruit, vegetables, &c.—continued to be exempt from duty; and lumber was added to the list. The prohibitions were confined to gunpowder and ammunition, coffee, sugar (not being refined in bond in the United Kingdom), molasses, rum, and various articles of minor importance. The duty on foreign salt beef and pork was reduced from 12*s.* per cwt. to 3*s.*, on wheat flour from 5*s.* to 2*s.*; on salt fish, which had been prohibited, the duty was to be 2*s.* per cwt.; the restrictions on the importation of tea, which had greatly encouraged smuggling, were removed, and a duty of 1*d.* a pound, not to be levied in the case of importation direct from China, was substituted. On glass and silk the duty was to be 15 per cent., on other manufactures 7 per cent. *ad valorem*, on unenumerated articles 4 per cent. The former Acts had prohibited Colonial Legislatures from imposing duties over and above the duties levied on the articles in question by Imperial

¹ House of Commons 15 April 1842: *Hansard*, vol. lxii, pp. 542-3.

² *Ibid.*, pp. 547-8.

³ See above, pp. 175-6.

⁴ 5 & 6 Vict., cap. 49.

authority:¹ this attempt, which had led to many anomalies and diversities of practice, was abandoned, and the collection in full of double duties, where they existed, was legalized. The principles on which the Government had acted, Lord Stanley explained in a circular dispatch, were essentially those of Huskisson. They had endeavoured to remove restrictions upon colonial industry; to bring the provisions of the Imperial law more nearly into accordance with the Declaratory Act of 1778; to show entire impartiality as between the different colonial possessions of the Crown.² The trade between the West Indies and the North American Colonies was seriously affected by the measure, for the provisions the West Indies needed were cheaper in the United States,³ but there was on the whole little complaint of its operation, and a consolidating Act of 1845 (8 & 9 Vict., cap. 93) made little alteration in its terms.

The changes in the Possessions Act were, however, not the only steps taken by the Peel Ministry to introduce a greater degree of unity into the tariff system of the Empire. Colonial tariffs were composite—partly Imperial, partly colonial—and in so far as they were colonial, imposed by colonial laws and collected by colonial officers, they could only be regulated by constant watchfulness in Downing Street. The power of colonial legislatures to impose duties had been set upon a firmer and less ambiguous foundation by the Possessions Act of 1842. The next step was to prevent colonial legislatures from imposing differential duties, for the obscurities and ambiguities of earlier Acts had favoured the growth of this practice. Sometimes colonies differentiated against particular foreign countries or against foreign countries in general: sometimes they drew distinctions between different parts of the Empire: all these things were contrary to the canons of imperial commercial policy, but nearly every

¹ i. e. the total amount of duty levied was to be the amount of the Imperial duty or of the colonial duty, whichever was the greater, and no more; but the amount of the Imperial duty, as imposed by the Possessions Act, was to be collected in full in the manner there prescribed.

² Circular Dispatch to Governors of West Indian Colonies (30 July 1842): *P.P.*, 1846, xxviii (H.C. 691–III), pp. 105–6.

³ Much of the trade had apparently been indirectly with the United States already, by way of the Maritime Provinces.

colony must have offended at one time or another in one or another of these ways. British Guiana in 1841 imposed duties upon specified articles when not the produce or growth of Great Britain or Ireland.¹ Canada imposed a differential duty in 1841 upon Madeira wine, and Jamaica one, in 1842, upon foreign meal, oil, and salt fish, and upon foreign sugar refined in bond in the United Kingdom. The standpoint of the Imperial Government was clearly stated in a dispatch from Stanley to the Governor of Jamaica, Lord Elgin. The determination of rates of preference belonged to the Imperial Parliament:

'If the privilege be conceded to any one British colony, it can be denied to none; if granted to all, the result will be, that within Her Majesty's Dominions there will be forty different legislatures, all regulating at their pleasure, without mutual concert, and in ignorance of each other's proceedings, one branch of the commercial relations between the British Empire, on the one hand, and all foreign states on the other hand.'

If this Act, which was limited to a single year, should be renewed, the Governor must withhold his assent.² In the Australian Colonies a regular system of reciprocal tariff concessions was coming into being. New South Wales and Van Diemen's Land had accorded each other free trade ever since they had become separate colonies. In 1842 the Legislative Council of New South Wales extended this principle to New Zealand, and the business men of Sydney were indeed anxious to extend it to all the colonies. New Zealand had in the previous year proposed to grant preferential rates on spirits to New South Wales and Van Diemen's Land. Lord Stanley recognized that there were precedents, but would not agree to any further extension or recognition of the principle.

'The establishment of distinctions of this nature by colonial legislative authority, unless under very peculiar circumstances, would unquestionably give rise to retaliatory measures on the part of other colonies which could neither be objected to nor prevented, and which would eventually lead to a system of protections and preferences as between the several colonies, tending to embarrass the operations of

¹ Board of Trade to Treasury (24 March 1842): CO 111/197: No. 862.

² Stanley to Elgin (1 May 1843): *P.P.*, 1843, xxxiii (H.C. 292), pp. 6-7.

commerce, and to deprive the colonies of many of the advantages resulting from their being, not separate and independent communities, but component parts of one great Empire.'¹

The New Zealand Ordinance was disallowed accordingly, and the New South Wales Act likewise.

On 28 June 1843 these statements of principle were reinforced by a circular dispatch to all the colonies condemning all kinds of discriminating duties.²

These measures had some effect. The Jamaica Legislature expunged the objectionable preferences, with the exception of that upon meal. The special preference to the United Kingdom disappeared from the tariff of British Guiana, though not until 1845. The irrepressible Legislative Council of New South Wales reintroduced the exemptions granted to New Zealand, but protested in vain against a Van Diemen's Land Act imposing for the first time a duty on tobacco and coal from the mother colony.³ The tendency towards special intercolonial arrangements in the North American Colonies was checked.⁴ Mauritius was forced to make general a special exemption from duty of salted and cured meat from Madagascar.⁵ Canada was not so easily managed, but an Act imposing retaliatory duties on agricultural produce and live stock from the United States, though not actually disallowed, was objected to; and the hope was expressed that the duties would not be renewed.⁶ In 1845 the Board of Trade was considering the possibility of going further and equalizing by Order in Council the duties imposed in the Cape of Good Hope, Ceylon, and the Australasian Colonies on goods from all parts of the Empire.⁷

The Imperial Government also objected on occasion to actual rates of duty. The Jamaica tariff of 1843 contained not only discriminating duties but rates of duty which Stanley considered unfair to the negro labourers. Elgin

¹ Stanley to Hobson (9 June 1842): CO 406/2.

² Printed in Bell and Morrell, *op. cit.*, pp. 333-4.

³ Gipps to Stanley (1 January 1844): CO 201/342. For the tariff see *P.P.*, 1847, xxxvii (H.C. 696).

⁴ Colebrooke to Stanley (11 November 1844): CO 188/88.

⁵ Board of Trade to Treasury (11 November 1843): *P.P.*, 1846, xxviii (H.C. 691-III), p. 157.

⁶ Board of Trade to Treasury (12 September 1844): CO 42/521: No. 971. The duties were renewed nevertheless.

⁷ Lefevre to Stephen (16 August 1845): CO 201/362.

defended the duties. Despite increasing rates, the consumption of salt beef and pork, the commodities particularly in question, was nearly double in 1842 what it had been in 1839. The high rates of duty generally were justified by the state of the finances of the island, the depression among the planters, the change in the distribution of wealth, and the exertions and sacrifices made by the Legislature to provide for the wants of the newly emancipated population.¹ Lord Stanley was not convinced, however, and he did succeed in obtaining some reduction in the duties.² In British Guiana, a complaint of the sugar refiners of the United Kingdom against the duty on refined sugar produced a remonstrance though not a disallowance.³ Alike in Nova Scotia and in New South Wales we find certain duties objected to as being definitely protective. In New South Wales refined sugar was again one of the items, the other being a duty of 1s. per bushel on corn. Gipps committed himself to the rash assertion that the colony was so unfitted for the production of wheat as to make free trade in corn absolutely necessary to guard against dearth;⁴ but principle, independently of prophecy, was sufficient to secure the disallowance of the Act.

Thus the Peel Ministry fought consistently, and on the whole not unsuccessfully, for a colonial tariff system of duties for revenue only on British and colonial imports, with equality of treatment for all parts of the Empire, and moderately protective duties against the world outside. It was the natural complement of Peel's reforms in the tariff of the United Kingdom. There had, however, been sufficient opposition to both processes to leave it a matter of grave doubt whether it would ever be possible for any Government to impose upon a multitude of different Legislatures the uniformity of system required by a real Imperial Zollverein. Protected interests in the United Kingdom were not prepared to give up their privileged position for the sake of any theory of Empire; and in the colonies, Jamaica and New

¹ Stanley to Elgin (1 May 1843): *P.P.*, 1843, xxxiii (H.C. 292), p. 8; Elgin to Stanley (23 June 1843): *P.P.*, 1846, xxviii (H.C. 691-III), pp. 112-13.

² Elgin to Stanley (1 January 1844): CO 137/278.

³ Stanley to Light (13 September 1844): *P.P.*, 1846, xxviii (H.C. 691-III), p. 123.

⁴ Gipps to Stanley (1 January 1844): CO 201/342.

South Wales had fought stubbornly for at least a measure of tariff autonomy, and Canada had been strong enough to make itself something of an exception to the general rules.¹ There was no real reason to believe that these tendencies were decreasing in strength. It was at least a moot point whether the work of systematizing the tariffs of the Empire could proceed much further; for after all logic and protective tariffs have not much in common. In any case, if the idea of an Imperial Zollverein had ever been more than the half-formulated principle behind a series of specific and practical reforms, its influence upon Peel had by this time ceased.

It was a far cry in 1845 to the corn law debates of 1842, when Peel, though he cautiously declined to bind himself by any pledge, 'did not contemplate the necessity for further change'. He had come more and more, under the influence of Cobden, to think of free trade not as a sound general principle impossible of practical application without many reserves and qualifications, but as good practical politics. He had found that the dismal predictions of the result of admitting foreign meat in 1842 had by no means been fulfilled; he had convinced himself that the admission of foreign corn would in fact mean cheaper living and not merely lower wages; and he had been struck by the fact that the consumption of the necessaries of life was increasing much faster than the population—a fact which made the retention of the corn laws less justifiable and their abolition less dangerous to British agriculture.² It was, doubtless, the Corn Laws of which Peel was chiefly thinking, but arguments which undermined the Corn Laws undermined the whole system of protection whether national or Imperial. No protected interest could compare in strength with the gentlemen of England; and the Corn Laws were by consent of all the battle-ground. As Peel's opinions had been changing the opinions of the nation had been changing too. Peel, as Bagehot says, 'was converted at the conversion of the average man';³ and the Anti-Corn Law League had seen to

¹ See also below, pp. 224 ff.

² *Memoirs of Sir Robert Peel*, vol. ii, pp. 101–5. See also A. A. W. Ramsay, *Sir Robert Peel*, pp. 310–14.

³ Bagehot, *Biographical Studies*: 'The Character of Sir Robert Peel', p. 7.

that. This gradual process of conversion, which was going on by imperceptible degrees, required, however, some external stimulus to bring it to the surface. In the summer of 1845 came 'the rain that rained away the corn laws': Peel in his measures against the threatened potato famine in Ireland felt bound to act upon the principle of free trade. In a few weeks the shadowy ideal of an Imperial Zollverein was dethroned and another more substantial, more clearly formulated ideal reigned in its stead.

From the point of view of the English consumer the colonial corn trade counted for little one way or the other, though some 230,000 quarters entered in the year 1845.

'There are reasons—very good ones, under ordinary circumstances,' said Peel in his first Cabinet Minute—'for dealing specially with colonial grain: . . . but I greatly fear that partial and limited interference with the Corn Law . . . will be no solution of our difficulties.'¹

In another Memorandum a month later he dealt among other alternatives with the free admission of all Empire-grown corn, and concluded that the increased preference against foreign countries would give them just cause of complaint.² His final proposal was the immediate removal of duty on all grain from the colonies, the immediate reduction of duties on foreign corn, and the termination of those duties on 1 February 1849.³

The Protectionist party as a whole also treated the colonial aspect of the question as secondary, and fought their battle mainly on the simple ground that Peel had betrayed and ruined the agricultural interest. Yet there were not wanting doleful predictions as to the effect of the change from protection to free trade upon the colonies. Sir Howard Douglas, a former North American Governor, feared that the questions of the economists as to the value of colonies would in future be unanswerable; he seemed to share their view that the political connexion was in itself quite without influence on trade.⁴ Mr. Francis Scott, the Agent for New South Wales, anticipated the loss of Canada first, and then

¹ Memorandum (1 November 1845): *Peel Memoirs*, vol. ii, pp. 146-7.

² Memorandum (2 December 1845): *ibid.*, pp. 214 ff.

³ House of Commons, 27 January 1846: *Hansard*, Third Series, vol. lxxxiii, pp. 262-3.

⁴ *Ibid.*, pp. 850-1.

one by one of the other colonies.¹ It was however Stanley, now in opposition to his former colleagues, who made this point most impressively. He uttered an eloquent panegyric on the glories that the colonial system had brought to England, and then drew a gloomy picture of the consequences of these changes.

'Destroy this principle of protection, and . . . you destroy the whole basis upon which your colonial system rests. . . . I know that your political economists are for casting off your colonies, that they say let them trade with us, or with any other country—give them the full advantages of Free Trade—let us not restrain them—as they are removed from all protection, let them also be free from all burdensome duty. I do not say that I have any doubt as to the loyalty of the Colonies, for I have no doubt of their attachment; but I do say that you should not do anything to weaken that attachment—that you should be very careful that, in granting commercial independence, you do not take a step to their political independence.'

The manufacturers of England would themselves be losers, for it would be impossible to maintain the preferences in the colonies, and they would be exposed to strong foreign competition in their securest market.² Lord Ashburton went further and asked, 'Was England to keep the colonies at all this trouble and expense, for the benefit of all the world?'³ The protest of Stanley and eighty-eight other peers against the third reading of the Bill also urged that it was at variance with the promises held out to Canada, which had induced that colony to lay out large sums upon the improvement of its internal navigation; and that it would divert the traffic of the interior from the St. Lawrence to New York 'thus throwing out of employment a large amount of British shipping, severing the commercial interests of Canada from those of the parent country, and connecting those interests most intimately with the United States of America'.⁴

It was hardly possible to say more on this last point than that Canadian interests had had to give way to stronger obligations; but the general case for the new order of things in Imperial commercial policy was not allowed to go by default. Peel denied that the relaxations of protection in recent years, in Britain and the Colonies alike, had injured

¹ *Hansard*, Third Series, vol. lxxxiii, p. 867.

³ *Ibid.*, p. 1386.

² *Ibid.*, vol. lxxxvi, pp. 1165-70.

⁴ *Ibid.*, vol. lxxxvii, pp. 962-3.

either party. It was a mistake to suppose that our colonial system, and the attachment of the colonies to the Mother Country, were based upon a system of exclusion and prohibition.¹ If Peel defended the change with quiet conviction, Lord Grey, who was soon to be Colonial Secretary, defended it with enthusiasm. If the Bill were indeed a danger to the Colonial Empire that would be the strongest possible argument against it; but he believed the very contrary. It was the jealousy arising out of commercial dependence that had produced the American Revolution.

‘For his part he believed that the connexion between the colonies and the Mother Country was a mutual advantage, requiring no such support to maintain. . . . He believed that if they pursued a liberal policy in other respects towards the colonies, by extending to them the dearest right of Englishmen, the privilege of self-government, and not needlessly interfering in their domestic concerns . . . they would bind them to us with chains which no power on earth could break; and the connexion between them and the Parent State would continue until they far exceeded ourselves in population.’²

The principle of colonial preference was not involved only in the repeal of the corn laws. Peel also proposed to abolish the preference in the case of bacon, beef, and hides, and to lower it on butter, cheese, spirits, sugar, and timber. Thanks no doubt largely to the demands of the railways, the reduction of the timber preference in 1842 had been followed not by a reduction but by an increase in the consumption of colonial timber.³ Peel now proposed to take 5*s.* off the duty on foreign timber on 5 April 1847 and a further 5*s.* on 5 April 1848, thus reducing it to 15*s.* and leaving a preference about equal to the extra freight paid on account of distance by colonial wood; and to reduce the duty on sawn timber similarly by two instalments of 6*s.* from 32*s.* to 20*s.* per load. The debates were perhaps chiefly notable for an attack by Buller on the timber preference. It had never, he declared, done Canada any real good: the methods of the lumbering industry had been wasteful and its social effects on the

¹ *Hansard*, Third Series, vol. lxxxiii, pp. 1036–7.

² *Ibid.*, vol. lxxxvi, pp. 1307–10.

³ 922,087 loads were imported in 1843 (the reduction did not take full effect till 10 October), 1,281,974 loads in 1845. The figures for foreign timber were 395,558 loads and 675,840 loads: Porter, *The Progress of the Nation* (1851 edition), p. 375.

community injurious.¹ The Customs Bill passed into law by large majorities, and another step was thereby taken along the free trade road.

It was not of course in Parliament or in Great Britain only that Peel's free trade measures were canvassed; and their effect upon Imperial relations attracted perhaps more attention in the colonies than in the Mother Country. The North American Colonies were not only the first to receive news but, at any rate for the moment, the most directly interested; and in them—as Protectionists did not fail to point out in the later stages of the Parliamentary debates—the measures undoubtedly excited strong opposition. The United States had just made another move in the perpetual game of chess which was and still is played for the trade of the West. Congress had passed a Bill granting drawbacks on imported goods destined for Western Canada. In addition, restrictions had been imposed upon Canadian vessels on the Great Lakes. Now the Canadians were being asked to acquiesce in the loss of their chief advantages in the markets of the United Kingdom and thereby surrender the principal point which could be urged for the St. Lawrence route. It was on the faith of this preference on wheat and flour, said the Executive Council in a memorandum in January, that the improvements on the St. Lawrence had been undertaken. Its discontinuance would mean that the tolls would fail, the means of payment of the guaranteed debt would diminish, the British shipping trade with Canada would suffer, the consumption of British manufactures would fall off. They asked that the preference be retained.² In a weighty reply Gladstone, who had now become Colonial Secretary, declined to reverse the settled policy of the Imperial Government. The interests of Canada had had their due place in the deliberations, but they could not be allowed to prevail over the vital considerations connected with the supply of food to the people of Great Britain and with their employment. Her Majesty's Government desired

¹ *Hansard*, Third Series, vol. lxxxiv, pp. 1334 ff.

² Cathcart to Gladstone (28 January 1846): *P.P.*, 1846, xxvii (H.C. 321), pp. 4–5. D. L. Burn in *Cambridge Historical Journal*, vol. ii, pp. 252 ff. argues that the value of the preference was greatly overrated.

that Canada in return should enjoy as free a trade as its inhabitants might wish and the exigencies of the public revenue might permit. Nor did he agree that the changes would place Canada at a disadvantage in comparison with the United States. At any rate she had received assistance from British credit; her taxation was light; her tariff low; her trade connexions with the Mother Country were well established; her distance from the Mother Country was less than that of her most formidable rivals, the most westerly states of the Union. The price of corn was unlikely to fall much. As for timber, a considerable and permanent extension of demand seemed likely, and Baltic timber did not really compete in the same line with Canadian yellow pine.¹

The Canadians however remained unconvinced; and though there were men, like George Brown of the *Toronto Globe*, who were ready to acquiesce in the measure if supplemented by a removal of the remaining restrictions on Canadian trade and the grant of full responsible government, the note of protest was more often heard. The 'Boards of Trade' of Quebec, Montreal, and Toronto concurred in asking for a repeal of the Imperial duties imposed by the Possessions Act—a reasonable enough request.² The 'loyalist' majority in the Canadian Assembly, however, wanted more. They asked that the duties on grain or, at a later stage, on all Canadian produce on its importation into England be remitted;³ they did their best to encourage the through traffic from the West by remitting the three shilling duty on foreign wheat and maize imported for exportation or to be ground in bond for exportation;⁴ finally, they made one last desperate effort to preserve their preference by predicting the most direful consequences from its withdrawal. Not only agriculture but immigration also would be discouraged. 'Lastly, it is much to be feared, that, should the inhabitants of Canada . . . find that they cannot successfully compete with their

¹ Gladstone to Cathcart (3 March 1846): *ibid.*, pp. 5-7.

² Cathcart to Gladstone (25 and 27 March 1846): *Enclosures: P.P.*, 1846, xxvii (H.C. 321), pp. 12-14.

³ Cathcart to Gladstone (26 March 1846): *ibid.*, p. 10; (13 May 1846): *Enclosure: ibid.* (H.C. 374), p. 2.

⁴ Resolutions of Committee of the Whole in Cathcart to Gladstone (28 April 1846): *ibid.* (H.C. 321), p. 15.

neighbours of the United States in the only market open to them, they will naturally and of necessity begin to doubt whether remaining a portion of the British Empire will be of that paramount advantage which they have hitherto found it to be.¹

Fortunately this attempt to hold a pistol at the head of the British Government was met not by a retort in the same temper but by a dignified and eloquent statement of the position of the Imperialist Free Trader. The Imperial Government, said Gladstone, did not agree that the protective principle could justly be described as the basis of the Imperial connexion. In the flourishing Australian Colonies, for instance, it had never been an important factor; yet they were the most distant and therefore might be supposed by many to be the most in need of commercial preference.

'It would indeed be a source of the greatest pain to Her Majesty's Government if they could share in the impression that the connexion between this country and Canada derived its vitality from no other source than from the exchange of commercial preferences. If it were so, it might appear to be a relation consisting in the exchange not of benefits but of burdens; if it were so, it would suggest the idea that the connexion itself had reached or was about to reach the legitimate term of its existence. But Her Majesty's Government still augur for it a longer duration, founded upon a larger and firmer basis—upon protection rendered from one side and allegiance freely and loyally returned from the other—upon common traditions of the past and hopes of the future—upon resemblances in origin, in laws, and in manners—in what inwardly binds men and communities of men together, as well as in the close association of those material interests which, as Her Majesty's Government are convinced, are destined not to recede but to advance, not to be severed but to be more closely and healthfully combined under the quickening influences of increased commercial freedom.'²

It cannot be said that this dispatch any more than its predecessors reconciled the Canadians to the loss of their preference: it was not until 1850 that the crisis was really past, though it was not so much the farmers as the millers and the merchants that suffered substantial loss. Yet there were other reasons than the change in British policy for their

¹ Cathcart to Gladstone (13 May 1846): *loc. cit.*

² Gladstone to Cathcart (3 June 1846): Bell and Morrell, *op. cit.*, pp. 339-45.

losses,¹ and in any case to say that the transition was painful to Canada is by no means to say that Peel and Gladstone were wrong. The old 'colonial system' had become irksome to Britain, and its abolition was inevitable; and indeed the colonies as well as Britain were beginning to outgrow it. Peel had had some experience of the difficulty of reducing to order the system that tradition had handed down, of framing a 'scientific tariff' not for a single community but for an Empire. The advocates of an Imperial Zollverein have first to show that it is possible, and the study of Peel's policy leads to conclusions by no means encouraging. When Peel seemed to be moving in that direction, it was belief in freer trade, not belief in an Imperial Zollverein, that really supplied the impetus. When Canada protested against the measures of 1846, it was the belief that her interests would suffer by the loss of the preference on corn, not belief in an Imperial Zollverein, that really inspired the protests. No Imperial Zollverein could have prevented an eventual demand for tariff autonomy by Canada. Commercial imperialism in one sense was not dead: the colonies would still continue to send their products to Great Britain and to provide a market for British goods. But it was all to the good that commercial imperialism should no longer be, as it were, the official theory of Empire.

Thus Peel, before he left office, did after all leave his mark upon British colonial policy. He had never been really happy in a system which offended against so many maxims of good government and which all reforms were bound to leave imperfect. At times he seemed obsessed by the fear that a choice might come between the interests of the common man in Britain and what were deemed to be the interests of the Empire. This was at least one of the motives behind his parsimony in matters of colonial expenditure and his opposition to responsible government. In his speech on the Canada Rebellion Losses Bill in 1849 there is a new and surer note. He was at last free to believe that the interests of Britain and the colonies were not divergent, and that the fundamental principle of Empire was liberty. The change

¹ Mr. Burn in *Cambridge Historical Journal*, vol. ii, pp. 252 ff., shows that the depression in Canada began with a *crise de surproduction* in the timber trade.

in commercial policy had demolished the very base on which the Empire had in the past been built, and he had reconstructed his beliefs accordingly. The years of transition, indeed, were certain to be difficult years for the Empire, for both the colonies and Britain had to be educated in the new ideas. Yet if the Empire was to continue the transition had to be made. Peel and his Ministry did not provide Britain with a new colonial policy, but they helped to clear the way for one.

IX

LORD GREY AT THE COLONIAL OFFICE

THE task of devising a new colonial policy was eminently calculated to appeal to the new Whig Secretary of State for the Colonies, the third Earl Grey.¹ He had his defects: he lacked sympathy and the insight which comes of sympathy: he was cantankerous and dogmatic. But he was a man of strong and independent mind, capable of taking a long view and quick to grasp a principle, hard-working and public-spirited. Though an unsparing critic—and critical of himself as well as of others, for he was sincere and honest with himself—his criticism was never sterile: his aim was not to destroy but to reconstruct. By temperament authoritarian, he was yet, by conviction as well as by affiliation, a Reformer.

Of all his traits the most characteristic was his independence. He was only too ready to sacrifice office, if necessary, for the sake of his opinions. He had resigned from his father's Ministry in 1833 because of the rejection of his plan, prepared in conjunction with James Stephen and Henry Taylor, for the immediate emancipation of the slaves; and had opposed the alternative 'apprenticeship' plan of Stanley with ability and determination. As Secretary at War in the Melbourne Ministry from 1835 to 1839, he was several times on the point of resignation, so exasperated was he with Glenelg's incompetence and vacillation as Colonial Secretary; and he finally left the Ministry on account of his dissatisfaction with the organization of the War Office, and with the changes in the Cabinet, of which he did not hear until they were settled and which in some particulars he disapproved.² Though he apparently kept on good terms with Lord John Russell, he wrecked the projected Ministry of December 1845 by his unexpected refusal to serve if Palmerston were to return to the Foreign Office. The objection, it appears, was felt by other proposed Ministers, but Grey was the most outspoken and perhaps the most convinced objector: there

¹ He had succeeded to the title by the death of his father in July 1845.

² Memoranda in *Howick Papers*. The *D.N.B.* gives a different account, it is not clear on what authority.

was real danger of a war with the United States on the Oregon question, and Grey heartily disliked, and till the Crimean War and after continued to dislike, Palmerstonian diplomacy. Lord John, though much annoyed, felt unable to do without him in the Lords, and the consequence—a consequence which appears to have taken Grey quite by surprise—was that Sir Robert Peel returned for six bitter months to office.¹ The Oregon dispute was settled, and in July 1846 Grey consented, after a long interview with his brother-in-law, Charles Wood, to enter the new Ministry. Grey himself, his relative Sir George Grey at the Home Office, and Wood at the Exchequer, formed the nucleus of a 'Grey party' in the Government:² the Colonial Office was in any case one which left a large measure of freedom to its holder: and Grey's independence was balanced by his willingness to shoulder responsibility.

Grey was, moreover, deeply interested in colonial policy. He had been Under-Secretary for the Colonies from 1830 to 1833, and his term of office had left its mark; for he had a much greater share than the amiable but ineffective 'Goody Goderich' in the new departures of those years—the Quebec Revenues Act, the partial adoption of the Wakefield land policy, and the abandonment of 'melioration' of slavery for abolition. Later, he had continually pressed upon the Cabinet the need of a progressive and conciliatory policy in Canadian affairs, had kept as far as possible in touch with Roebuck, the Agent of the Lower Canada Assembly, and had welcomed Lord Durham's report—though thinking that Durham erred in recommending union rather than federation in North America.³ He was indeed more closely identified than any one else in the inner ring of statesmen with Wakefield's Colonial Reformers, and had taken a prominent part in the parliamentary battle over New Zealand between the Company and the Government. He chose Ben Hawes, who

¹ Journal of Lord Grey, 18 and 19 December 1845: *Howick Papers*. Grey regretted that he had not expressed his willingness to defer to the opinion of his colleagues, if that should be favourable to Palmerston.

² Memo. of Prince Albert (6 July 1846): *Letters of Queen Victoria, 1837-61*, vol. ii, p. 86.

³ Howick to Durham (7 February 1839): *Report of Public Archives, Canada, 1923*, pp. 338-40.

had also taken an interest in colonial reform, as his Under-Secretary, and Charles Buller, whom he would personally have preferred, took the sinecure office of Judge Advocate with an understanding—at which Stephen was ‘a good deal disturbed’—that he was to assist in colonial matters.¹ Wakefield was purring with pleasure. ‘I could not doubt’, he afterwards wrote, ‘that now at last, after long years of toil and trouble, I should be rewarded by the utmost happiness which God vouchsafes to man on earth, the realization of his own idea’.² Perhaps he hoped to be himself installed ‘in some back room’ as the new Mr. Mother Country.

Grey, finally, was a convinced Free Trader. He had been one of the first of the official Whigs to adopt free trade opinions, and would have liked to see Cobden in the Cabinet. He believed that the old colonial system had weakened, not strengthened, the connexion with the colonies, and that British imperialism could be and should be based on much firmer foundations.

Thus in many ways Lord Grey was well fitted to take charge of colonial affairs at this critical period in the history of the Empire. He had the further advantage of being a first-rate administrator, knowing how to make the best use of the machinery of government and yet willing to believe that its efficiency might be improved.

‘I have served’, writes Taylor in 1852, ‘under thirteen Secretaries of State, and have thus had peculiar opportunities of measuring their administrative powers, and Lord Grey is the one whom I should place first. His unpopularity arises in a great degree from his public spirit, which has taken little account of the interest of parties and individuals, and less of his own, when opposed to public interests. He is ardent and tenacious in his opinions, but I think it is a great mistake to suppose that he is haughty and imperious in his temper of mind. When public interests have permitted it, I have not known any man more careful of the interests and feelings of those serving under him in the colonies, or more truly liberal in his manner of dealing with them.’³

A study of the facts tends to confirm the testimony of Taylor.

¹ Journal of Lord Grey, 4 and 5 July 1846: *Howick Papers*.

² *View of the Art of Colonization* (ed. Collier), p. 33.

³ Taylor to the Editor of the *North British Review* (1 May 1852): Dowden, *Correspondence of Sir Henry Taylor*, p. 197.

Grey and Stephen were on the best of terms. Their views did not on all points coincide: Grey was more of a doctrinaire on the questions of systematic colonization and responsible government, and more open-minded on questions of native policy: but each man, it is clear, had a genuine respect for the character and abilities of the other. In October 1847, however, ill-health compelled Stephen to resign. Grey realized how greatly the Colonial Office had been dependent upon Stephen's ability and knowledge, and wished to seize the opportunity both to introduce some more able men into its higher ranks and to improve its organization. Stephen suggested, and Grey and Taylor regarded with some favour, a plan for a Colonial Commission, of which the Land and Emigration Commissioners should be the ordinary members, but to which Privy Councillors on the one hand and men with practical knowledge of the colonies or commercial connexions with them on the other might be summoned on special occasions. The scheme, however, was condemned by Russell and by Charles Buller as an unsuccessful attempt to kill two birds with one stone;¹ and for the moment it was dropped. Stephen's work was divided between his successor, Merivale, who as Professor of Political Economy at Oxford had delivered a famous course of lectures on colonies and colonization, and Elliot, who became Assistant Under-Secretary of State. Murdoch took Elliot's place as Chairman of the Colonial Land and Emigration Board, of which Frederic Rogers and C. A. Wood were now the junior members, and Strachey, a man with Indian experience and a cousin of Buller, was appointed *précis*-writer.

These men and Taylor (who had declined Stephen's place) were certainly an able group. Merivale showed great aptitude for business, and his belief in free trade and in self-government, his discriminating support of the Wakefield theory, and his reasoned moderation on questions of native policy, accorded in general very well with Lord Grey's views. But Stephen's unrivalled experience was sadly missed, and he himself, when his health recovered, was quite willing to be of service. In April 1848 a new suggestion thrown out by

¹ Buller to Grey (5 November 1847) and Russell to Grey (13 November 1847): *Howick Papers*.

him, that the Board of Trade might again be used as a consultative body on colonial questions and that he might be appointed to it, was acted upon. In 1849, when it had already reported on the question of the Australian constitutions, he revived his first suggestion in a new form, and proposed that this Committee should be virtually separated from the Board of Trade proper. It should be given a President of its own (Sir E. Ryan), and power to co-opt in special cases other Privy Councillors or expert Assessors. Again, however, this suggestion fell to the ground. Russell did not believe that such a committee would carry much weight with the House of Commons or lighten in any appreciable degree the responsibility of the Secretary of State; and he thought the prejudice against Stephen, who would have been its most valuable member, a bar to his appointment to it.¹ Grey continued to make occasional use of the Board, but after his fall the whole experiment was discontinued, though it had in it undoubted possibilities for good. It is significant that in recent years there has been a pronounced movement towards the appointment of Committees and Councils to advise and assist the Secretary of State.

Grey's relations with the colonial Governments were also most creditable to him. Despite the unfair criticisms of his opponents he seems to have been guided in his appointment of colonial Governors by a single-minded regard for the public interests, and the last relics of the old monopoly of the Horse Guards in these matters disappeared. Where possible, he tried to give promotion to men who had done good service in the lower ranks of colonial administration. And while no personal considerations deterred him from censure or recall where he thought it was deserved, he extended the fullest confidence to Governors of outstanding ability such as Henry Barkly, Sir Edmund Head, Sir George Grey, and, most notably of all, Lord Elgin. The general rule as to subordinate offices should, he thought, be that they should be given to colonists, particularly in colonies with temperate climates and considerable European populations, and that the recommendations of the Governors should be

¹ Russell to Grey (23 September 1849) and Grey to Russell (14 December 1849): *Howick Papers*.

accepted.¹ From time to time he expressed to Governors of colonies not enjoying responsible government the wish that an appointment should if possible be offered to a gentleman who had been privately recommended to him, or promotion to an official who seemed to show particular ability: but he invariably left a real discretion to the Governor. A regular Colonial Civil Service was not yet in being, but Grey's term of office brought its advent a stage nearer.

A British Colonial Minister, however, must maintain relations not only with his office and with the Governments of the colonies but also with his colleagues, with Parliament and public opinion in Great Britain, and with the colonial peoples. Grey was not so well fitted for this part of his task. Lord John Russell himself was the colleague with whom it was most important that he should be in harmony: not only was Lord John the head of the Government, but he had, since the Canadian crisis of 1837, been interested in colonial affairs. As Colonial Secretary from 1839 to 1841 he had by his wise and sympathetic administration introduced something like a new spirit into the relations between the Mother Country and the colonies. He had to his credit the passage of the Canada Union Act, the reconciliation of Jamaica, the agreement, short-lived though it turned out to be, with the New Zealand Company. His presence at the head of the Government ought surely to have been a source of strength to the Colonial Secretary. Yet in actual fact Grey's relations with Russell, at any rate in the later years of the Ministry, were none too harmonious. There were differences in temperament and outlook which made co-operation not always easy, for this was not a Ministry like Peel's in which all admitted the supremacy of the Prime Minister. Grey was not much more amenable than Palmerston.

It would seem at first sight as if Grey must have been to blame for any misunderstandings that occurred. Russell was a man of broad sympathy and real generosity of soul, a truly liberal Whig. 'Whiggism', says Davis, 'was a form of political optimism; in the last resort it was based upon the assumption that truth must prevail over falsehood wherever men are free to argue out their differences; in other words, that the

¹ *Colonial Policy of Lord John Russell's Administration*, vol. i, pp. 39-40.

reason and the moral conscience are stronger, in the mass of men, than tradition or the instinct of selfishness or party spirit.’¹ It was in this spirit that Russell had approached, one after another, the problems of reform, of Ireland, and of colonial relations; and he had won the Melbourne Ministry such laurels as it had gained. When Althorp retired from politics and Stanley and Graham left the party, Russell seemed to be the only Whig who could contend on equal terms with Peel. From 1830 to 1841 his reputation steadily increased.

But the Ministry of Peel marked a turning-point in British politics. Peel and Cobden between them had concentrated the attention of Parliament upon finance and economic policy—subjects on which Russell’s touch was much less sure. He could not understand the new Radicals as well as he had understood the old; and valiantly as he tried to keep pace with the advancing age, his doctrines remained essentially Whig, and began to appear a little out of date, a little beside the point. The defects of his qualities then began to show themselves. Whilst his general direction was clear enough, his line of advance was apt to vary with his changing moods and with the changing temper of the House of Commons. He could not bear to be unpopular. His open-mindedness exposed him to condemnation by Palmerston as ‘infirm of purpose, changeable in his views’;² and Grey’s experience tended to confirm this judgement. In 1849 Lord John was strongly opposed to a renunciation of the Orange River Sovereignty: in 1851 we find him pressing it upon Lord Grey. In April 1849 he did not wish to see Canada united with Nova Scotia and New Brunswick; by August he was urging it as the sovereign remedy for Canadian difficulties. At one moment he ridiculed Lord Elgin’s fear of the annexation movement in Canada, at another he thought Lord Grey neglectful of the danger.³ He was less far-sighted than Grey, and when he looked ahead he did not always find the prospect pleasing: but he lacked Peel’s supreme faculty of discerning what the needs of the moment were, and his policy often had the defects of opportunism without its

¹ H. W. C. Davis, *The Age of Grey and Peel*, p. 272.

² Guedalla, *Palmerston*, p. 340.

³ Correspondence in *Howick Papers*.

merits. Russell was to do good service yet as Foreign Secretary, but the judgement on his Prime Ministership can hardly be very favourable. *Capax imperii, nisi imperasset.*

Within the limits of his Whig formulas, indeed, Russell could still show high qualities of statesmanship. He perceived that responsible government would be 'asked for everywhere'; that transportation could not survive much longer; that the Imperial garrisons in the colonies could not be incontinently reduced. He roundly condemned Cobden for his indifference to the maintenance of the Empire.

'Even in his own narrow view I wonder he does not see that the imposition of a duty of from 30 to 40 per cent. on British manufactured goods from the Mississippi to the St. Lawrence would be a great blow to Manchester and Leeds. . . . The loss of any great portion of our Colonies would diminish our importance in the world, and the vultures would soon gather together to despoil us of other parts of our Empire.'¹

But where his Whig formulas failed him he was lost, and was apt to wander into strange errors.

'Under Pitt and Dundas,' he wrote to Grey, 'the Tory love of despotism prevailed, and all our colonies were made Russias and Austrias. . . . Probably you and Hawes and Taylor and Gairdner may govern better than Trinidad and Guiana and Van Diemen's Land would govern themselves—so says Nicholas of Russia and so said Metternich—but Whig practice is the other way.'²

The assimilation of Van Diemen's Land, Trinidad, and British Guiana is a reminder that Whiggism by itself was not a colonial policy.

In the main, therefore, it was Lord Grey who devised and executed the 'colonial policy of Lord John Russell's administration'; he must receive most of the credit for its good points, most of the blame for its deficiencies. If Russell was often a help, particularly in the increasingly difficult task of keeping in touch with opinion in England, he was at times a hindrance. Yet, in the last resort, Russell's merits and failings were only of secondary importance. The primary necessity for Grey was, all along, to win for his policy the assent, or at least the acquiescence, of the colonies.

¹ Russell to Grey (19 August 1849): *Howick Papers*.

² Russell to Grey (21 November 1848): *ibid.*

X

THE NEW IMPERIAL COMMERCIAL POLICY

PEEL had set in motion a revolution in Imperial commercial policy: one of the principal tasks of his successors was to complete it. One solitary measure of the Whigs—the lowering of the duties on all colonial wines from the general rate of 5*s.* 6*d.* to the Cape rate of 2*s.* 9*d.* per gallon, desired by Australia—carried on the principle of colonial preference.¹ The general tendency was to sweep away one by one the relics of the old colonial system. The change in the sugar duties had so profound an effect upon the position of the West Indies that it will be treated in a separate chapter. Of the other commodities admitted into Great Britain at preferential rates coffee and timber were the most important. The Budget of 1851 proposed to abolish the coffee preference and to reduce the timber preference by half. Whereas in 1846 the amount of colonial coffee entered for home consumption was 23,795,000 lb. and of foreign coffee 12,998,000 lb., in 1850 the amounts were 28,893,000 lb. and 2,335,000 lb. respectively. The production of the West Indies was steadily declining, but the rapid extension of coffee-growing in Ceylon was more than supplying the deficiency. The case for the change was in fact overwhelming. It was desired to check the adulteration of coffee with chicory by lowering the price, and Ceylon coffee held so strong a position in the British market that only by equalizing the duties could this object be attained.² Mr. Stanley, who had visited Ceylon, argued that it was at a disadvantage in comparison with Brazil: but the loss of the preference seems to have been accepted there with equanimity. The coffee industry enjoyed twenty more years of prosperity before it was ruined by a fungus. The reduction of the preference on timber attracted little attention in the House, but elicited the usual protest from the Board of Trade of

¹ 12 & 13 Vict., cap. 90.

² *Hansard*, Third Series, vol. cxiv, pp. 728–31; vol. cxvi, pp. 179–88.

Quebec and another from the Canadian Assembly. The Quebec petitioners urged that the Act of 1846 had been based upon true free trade principles, for it took into account the cheaper freights enjoyed by the Baltic countries: 'the proposed reduction of 7s. per load on timber and 10s. on deals would operate as a direct bonus to the foreigner'.¹ The Assembly estimated that the timber trade directly employed 35,000 men and four-fifths of all the tonnage visiting Canadian ports; but the real object of the petition was probably revealed by the reminder that the timber was virtually shut out from the other possible market, the United States.² The Council and Assembly of New Brunswick also protested against the change. Not unnaturally Lord Grey replied to these petitions by pointing out that despite the reductions already made in the preference the consumption of colonial timber had not diminished, and that there was therefore every reason to believe that the particular kinds and qualities of timber grown in the British Colonies would continue to be used for the purposes to which they were peculiarly adapted.³ The Act was passed without more ado. When the Protectionists came into office in 1852 the belief professed in the principle of colonial preference by Stanley and Disraeli when in Opposition was conveniently forgotten. Gladstone in his Budget of 1853 abolished the preference on cocoa and on numerous other articles; and on butter, cheese, spirits, tallow, and certain other commodities he reduced the rate.⁴ In 1860 these all disappeared and the preferences on wine and timber with them. The old colonial system was thus at length completely swept away.

The last rally of its defenders had in fact been on the issue of the navigation laws, and here colonial opinion was predominantly on the side of the attack. Canadian merchants and producers, in particular, were losing their advantages in the British market, and felt it hard that they should continue to pay a tax, in the shape of higher freights, to the British shipowner. The Montreal Board of Trade asserted that from

¹ Elgin to Grey (29 April 1851): Enclosure: CO 42/572.

² Elgin to Grey (6 June 1851): Enclosure: CO 42/573.

³ Grey to Elgin (5 August 1851): CO 43/150.

⁴ 16 & 17 Vict., cap. 106.

1844 to 1846 the freights from Montreal had averaged 4s. 9½d. per barrel of flour, 1s. 1d. per bushel of wheat, as compared with 2s. 1d. and 7½d. respectively from New York.¹ If the St. Lawrence route continued to be thus penalized, what would become of the great canals constructed at such expense and of the debt thereby incurred? The Hamilton Board of Trade, on the other hand, asked for yet more encouragement to the Oswego-Erie route so convenient for them;² but Toronto supported Montreal. Elgin was on the same side. Some might say that it was essential to the maintenance of British supremacy in Canada that American ships should be kept out of the St. Lawrence; but in his opinion 'one of the most efficacious expedients for securing the allegiance of a high-spirited and enterprising people is to convince them that their material interests will not be advanced by separation'. Indeed a flourishing trade would be a check upon annexationist tendencies in the United States.³ The navigation laws indeed were not without influence on the import trade also, for most of the sugar imported came from the Spanish Indies.

The Canadian grievance might be met by a special treaty with the United States, as the foreign nation principally concerned; but Canadian discontent was not the only item in the case against the navigation laws. In the Australian Colonies there were occasional complaints of foreign ships returning empty, but the question was hardly a burning one.⁴ The special case of the whaling industry was satisfactorily provided for. From Ceylon, however, there were some complaints, and from the West Indies more. Since the Possessions Act of 1842 West Indian imports of meat, flour, and lumber had come chiefly from the United States, so that but for the navigation restrictions American vessels could have materially contributed to lowering export freights. The repeal of the laws was urged by the Council and Assembly of Antigua, by the Agents for Barbados and the Leeward and

¹ Cathcart to Grey (26 August 1846): Enclosure: *P.P.*, 1847, xxxvii (H.C. 119), pp. 12-13. Burn in *Cambridge Historical Journal*, vol. ii, pp. 259 ff., shows that the high Montreal freights were not by any means solely due to the navigation laws.

² Cathcart to Gladstone (27 July 1846): *ibid.*, p. 7.

³ Elgin to Grey (26 March 1847): *P.P.*, 1847-8, xx, Part 2, p. 943.

⁴ *P.P.*, 1847, x, QQ. 1324-7, 1330-42; xxxvii (H.C. 119), p. 20.

Windward Islands, and by the Assembly of Jamaica.¹ In Trinidad the restrictions were found particularly inconvenient. Many of the planters were of foreign extraction, and they were hindered from buying the products of the nations from which they had sprung.² The cocoa planters complained that their estates produced more cocoa than sufficed for the British market, and that trade with Spain or France was hampered by restrictions on foreign ships at that end, on British at the other.³ Nor had the colonies any particular reason for dealing tenderly with the shipping interest. Before a Committee of the House of Commons in 1844 Mr. G. F. Young, Chairman of the Shipowners' Society, put cheap colonial-built ships next to the reciprocity treaties of Huskisson as a cause of the depression in shipping; and three authoritative witnesses considered that this form of colonial enterprise should be discouraged by a moderate tax.⁴

After 1846 the case for repealing the laws as a mere act of justice to the colonies was very strong; and the temporary suspension of the laws as regards corn, on account of the famine in Ireland, connected up this question with that of corn-law repeal and provided those who opposed the laws on principle with a strong argument. The reciprocity treaties had made breaches in the system and had brought new complexities in their train.⁵ Foreign powers, too—notably the United States and the German Zollverein—were anxious for repeal. In 1847 the question was investigated by a Parliamentary Committee, and in 1848 the Ministry decided to bring in a Bill throwing open the colonial and foreign trade.

Naturally the Bill was vigorously opposed by the ship-owners. It was admitted that since the days of Huskisson there had been a small increase in the centesimal proportion of foreign ships in British ports; but Labouchere, who

¹ *P.P.*, 1847, xxxviii (H.C. 501), pp. 3-4 (Jamaica); *P.P.*, 1847-8, xxiii, Part 1 (H.C. 167), p. 353 (Antigua); CO 318/170 (Leeward and Windward Is.).

² Harris to Grey (1 April 1847): *P.P.*, 1847, xxxviii (H.C. 501), p. 5.

³ Harris to Grey (13 November 1846): Enclosure: CO 295/152.

⁴ *P.P.*, 1844, viii. Committees on British Shipping: Minutes of Evidence.

⁵ Clapham in *English Historical Review*, vol. xxv, pp. 480 ff; *Economic History of Modern Britain: the Early Railway Age*, pp. 501-5.

introduced the measure, claimed that this was in reality less important than the absolute increase in the British tonnage even in the unprotected trade.¹ And after all the laws could only be justified if their continuance could be shown to be in the interests of the Empire as a whole and not of the shipowners only. Lord George Bentinck and others were still under the influence of the traditional views of the colonial connexion:

'When they should have at last deprived British shipping as well as British manufactures of protection in the Canadian trade, they would have left nothing to themselves but the cost of maintaining the Government of Canada, while they were inducing the Canadians to draw still closer the bonds of trade, commerce, familiar intercourse and political attachment between them and the United States.'²

It was, however, a sufficient answer to say that that conception of Empire had been shattered in 1846, if indeed it had not been whittled away years before; and that those who continued to think along those lines were not serving the Empire but endangering it.

A memorandum of the Executive Council, which was laid before Parliament, gave a powerful statement of the Canadian case for repeal. It pointed out that, despite the superior internal navigation of Canada, the average advantage held by New York over Montreal in the matter of export freights was 1s. 6d. per barrel of flour. The import trade of Montreal had been hard hit, too, first by the American Drawback Act and then by the removal in 1847 of the differential duties on American goods. And if the Americans were offered the free navigation of the St. Lawrence as well as the ocean trade they might further relieve Canada by abolishing their protective duties against Canadian produce.³ The Montreal and Quebec Boards of Trade also entered a plea, the former remarking pessimistically that repeal could not materially injure the British shipowner, 'the question simply being, whether competition for the trade shall take place in the harbours of the United States or in the river St. Lawrence'.⁴ When a rumour reached Canada that the measure

¹ *Hansard*, Third Series, vol. xcvi, pp. 1014-16.

² *Ibid.*, pp. 1035-8.

³ Memorandum (May 1848): printed in Bell and Morrell, *op. cit.*, pp. 349-55.

⁴ *P.P.*, 1847-8, lix (Cmd. 968), p. 9.

might not pass, it produced, according to no less a person than Lord Elgin, the most painful impression in the Colony.

'The Canadian farmer is a suppliant at present to the Imperial Legislature, not for favour, but for justice; and strong as is his affection for the Mother Country and her institutions he cannot reconcile it to his sense of right, that after being deprived of all protection for his produce in her markets, he should be subjected to a hostile discriminating duty in the guise of a law for the protection of navigation.'

The long-standing commercial connexions of the British shipowners were certain to secure for them a considerable share of the increased trade that would result from the change; and they ought to consider whether it would ultimately be to their advantage 'to bring the material interests of the colonists and the promptings of duty and affection into opposition'.¹ None the less it was found impossible to pass the Bill in 1848, and Elgin and his Ministers had to face their difficulties as best they could.

During the recess the opponents of repeal did their best to whip up support in the colonies. A majority of the Quebec Board of Trade declared against repeal. It would severely injure the shipping interests of the Mother Country and endanger the timber preference still remaining. Only by the restoration of protection could Canada's distress be remedied; for the St. Lawrence with its intricate navigation, its winter closing, its distance from the markets, could never compete with the ports on the Atlantic.² In New Brunswick, the most important shipbuilding colony, a public meeting was against repeal unless accompanied by the opening of new export markets and the removal of all restrictions on the use, the sale, the registry, the manning, of the ships.³ Sir Edmund Head, however, discounted this protest; and in Canada the weight of opinion was still in favour of repeal. The Montreal Board of Trade differed among themselves as to whether repeal by itself would be enough; but they one and

¹ Elgin to Grey (5 June 1848): *P.P.*, 1847-8, xx, Part 2 (H.C. 754), pp. 1047-8.

² Petition of 53 (out of 89) Members of Quebec Board of Trade (27 January 1849): *P.P.*, 1849, li (Cmd. 1035), p. 4.

³ Head to Grey (3 July 1848): Enclosure: *P.P.*, 1847-8, lix (H.C. 683), pp. 2-4.

all desired it. The Legislative Council and Assembly, moreover, united in an address for repeal; and an amendment in favour of the restoration of protection was lost by 49 to 14. With regard to the West Indies, as the session of 1848 had developed, it had certainly become doubtful whether the opinion of the majority of the planters was in favour of repeal: those who gave evidence before the Lords Committee on the Navigation Laws and the Commons Committee on Sugar Planting for the most part did not want it. The memorial of the Jamaica Assembly was explained away. Yet this state of affairs is easily accounted for. The West Indians in 1848 were engaged in a great protection campaign, and were unlikely either to accept a palliative or to run the risk of antagonizing other protected interests.

When the Bill was brought in again in 1849, its opponents made the most of these colonial differences of opinion, and urged that all that was really necessary was to make Montreal a free port.¹ The arguments most difficult to answer were those of Mr. Gladstone, who was anxious that a bargain should be driven with the United States, and who was moreover not prepared to give up to the colonies the power of regulating their coasting trade: 'if there be any thing more than another that should be kept out of the hands of a colonial legislature, and reserved for the Imperial Parliament, it is the regulation of all matters between the colonies and foreign States'.² More easily answered but more in accord with the real spirit of the old system were the arguments of Lord Brougham and Lord Ellenborough, that the navigation laws provided the navy which defended the colonies and that the monopoly of their trade was the natural return for the cost of planting, ruling, and defending them.³ The reply of the Government was that Parliament presumably did not wish to see Canada annexed to the United States or independent and that they were bound in justice—and in their own interests—either to restore protection to Canada or to give her the benefit of the fullest competition in bringing her produce to Great Britain. Why, even if the connexion with

¹ *Hansard*, Third Series, vol. ciii, pp. 469–70 (Mr. Herries), 694 (Mr. Disraeli).

² *Ibid.*, p. 559. The colonies were not in fact given power to legislate till 1869.

³ *Ibid.*, vol. civ, pp. 1340–1 (Brougham), 1390–1 (Ellenborough).

the Mother Country was indeed drawing to a close, said Lord Grey, they should not lose the opportunity of doing, with a good grace, an act of favour to these Colonies, and securing their future friendship. If this Bill passed, however, Canada with her low tariff and the market she would always readily secure in England would as a matter of fact be far better off than if annexed to the United States.¹ About the alternative scheme of making Montreal a free port they not unnaturally said nothing, although in fact Russell was prepared to consider a separate measure as a last resort;² but it may be doubted whether the shipowners would have been much more pleased with a scheme which would have opened to the rival they most feared the trade in which her competition would be most formidable. The weight alike of argument and numbers was on the side of the Bill, and after a hard struggle in the House of Lords it became law. Only the coasting trade was still reserved to British ships. The Queen was empowered to open the coasting trade of any colony on Address from its legislature, and also on Addresses from any two colonies to place the trade between them on the footing of a coasting trade.³

The repeal of the laws, it appears, benefited Quebec, but had no appreciable effect on Montreal.⁴ Nevertheless it came at a very opportune moment for Canada. It was no longer possible to argue that Great Britain was loth to give the colonies the benefit of the principles she had adopted in 1846; and the annexation movement which will be discussed below lost much of its appeal. In the Australian colonies and at the Cape the change passed almost unnoticed. The sugar colonies, however, gained by repeal. The Governor and Court of Policy of British Guiana admitted that the cost of introducing coolies under the new scheme then in contemplation would be diminished.⁵ Mauritius shippers in 1850, instead of £4 and £5 a ton, paid only £2 10s. for their

¹ *Hansard*, Third Series, vol. cv, pp. 70-4, 904.

² Russell to Palmerston (16 April 1849): Gooch, op. cit., vol. i, p. 195.

³ 12 & 13 Vict., cap. 29.

⁴ Burn, *Canada and the Repeal of the Corn Laws* in *Cambridge Historical Journal*, vol. ii, pp. 267-9.

⁵ Barkly to Grey (2 February 1850) and Enclosure: *P.P.*, 1851, xxxix (H.C. 624), pp. 15-16.

freights.¹ In 1851 Governor Higginson declared that repeal, while not diminishing the British tonnage entering Mauritius, had doubled the foreign tonnage and materially lowered the prices of commodities;² and here again it had an effect upon the cost of immigration. In short the disappearance of this important part of the old colonial system helped the colonies, both materially and psychologically, to accommodate themselves to the conception of a free trade Empire.

No less important a part of the policy of the Russell Ministry was to make free trade a truly Imperial policy by introducing it into the tariffs of the colonies as Peel had introduced, more or less successfully, the policy of moderate and imperially regulated preference. One of the first measures of the new Ministry was an amending Possessions Act enabling the Colonial Legislatures of North America, the West Indies, and the Mauritius, to repeal the duties imposed on foreign goods by the Acts of 1842 and 1845.³

The form of the Act is significant. Goulburn urged that the right method of procedure was to pass an Imperial Act on free trade lines. He drew a picture of delays, difficulties with the Colonies, embarrassments with foreign countries; and called attention to the precedent that was created by this abandonment of a field of Parliamentary legislation.⁴ The Chancellor of the Exchequer admitted a theoretical preference for Goulburn's method, but pointed out that it meant depriving the colonies of a portion of their revenues without prior communication with them.⁵ The cumbrousness of the old system of Imperial 'duties of regulation' stood revealed. The thin House which debated this measure and passed it by 47 to 8 took a step of no small importance in Imperial history. The Act marked the beginning of a new system, in which the *whole* power of enacting colonial tariffs was left to the legislatures of the colonies, checked by the disallowing power of the Crown. *Ce n'est que le premier pas qui coûte*. The Treasury, agreeing that the regulation of rates of duty and the selection of articles for taxation must in

¹ *The Times*, 24 September 1850: Money Market and City Intelligence.

² Higginson to Grey (16 May 1851): *P.P.*, 1851, xxxiv (Cmd. 1421), pp. 99 ff.

³ 9 & 10 Vict., cap. 94: printed in Bell and Morrell, *op. cit.*, pp. 346-7.

⁴ *Hansard*, Third Series, vol. lxxxviii, pp. 678-9.

⁵ *Ibid.*, p. 680.

general be left to the local authorities, still spoke of the inadvisability of leaving them power to adopt or to reject regulations or laws relating to such subjects as the commercial intercourse between the Mother Country and the colonies, or of the colonies with one another and with foreign countries.¹ Not until 1855 did the new Cape Parliament enact its first tariff: until then the regulation of the Cape tariff remained in the hands of the Queen in Council. Not until the passage of the Australian Colonies Government Act in 1850 were the Australian Legislatures free from the restrictions—not always, it is true, enforced—of the Act of 1822;² and then a statutory prohibition of differential duties remained. It is none the less true that with the passage of the Possessions Act of 1846 a great step was taken along the road that led to colonial tariff autonomy. In 1778 Parliament agreed only to impose duties ‘for the regulation of commerce’: in 1846 it in effect agreed no longer to impose these. The Act was passed in the name of free trade, but it remained on the statute-book when the colonies claimed to depart from free trade in the name of tariff autonomy.

Not the least important of its consequences was that, as Lord Grey saw, it took away the *raison d’être* of the Imperial customs establishment.³ The Treasury were none too willing to give up their customs patronage, but by the time Lord Grey left office, Comptrollers of Customs and Navigation Laws were the only Imperial customs officers left in the American Colonies, and they and their assistants were paid out of Imperial funds, whilst the decisive step, denied though this might be by the New South Wales Legislative Council, had in fact been taken in Australia.⁴ It was an outward and visible sign of the new freedom the colonies were winning.

The power of repealing the Possessions Act duties was acted upon almost at once by the principal North American and West Indian Colonies. In Canada there was a preliminary difficulty, for Gladstone had acquiesced, on the ground that the question was one to be determined according to the

¹ Trevelyan to Stephen (23 March 1847): CO 48/281.

² See above, p. 167.

³ Grey to Russell (10 February 1847): *Howick Papers*.

⁴ The management was transferred to the Colonial Government, not yet of course a responsible government, by a circular dispatch of 8 August 1850.

convictions of the people of Canada, in a measure imposing differential duties on goods 'imported otherwise than by sea'.¹ Grey, on the other hand, echoing as a matter of fact the complaints of the West, strongly objected to the Act as injurious to the interests of the colonists themselves and calculated to embarrass the Imperial Government in its relations with foreign Powers.² In 1847 he had his way, and both these and the Possessions Act duties were abolished. New Brunswick also strayed from the paths of rectitude, and its Customs Act of 1848 contained differential duties to which the new Lieutenant-Governor, Sir Edmund Head, was instructed not in the future to assent.³ Otherwise the Possessions Act Colonies caused no difficulty, although it was not until 1851 that Mauritius made use of the repealing power.

Lord Grey also endeavoured, with some success, to introduce free trade principles into the colonies unaffected by the Act. He urged them upon Van Diemen's Land in 1847, but it was not until 1852 that differential duties were abolished, and even then one on spirits was retained. In South Australia Major Robe was inclined to favour the abolition of the preference of 5 per cent., but feared at first that he might be trespassing upon 'some principle of policy required by the Mother Country from her colonies'.⁴ Lord Grey hastened to assure him that the very reverse was the case, and in the next Customs Ordinance (No. 11 of 1848) the differential duties disappeared. We have seen that they were expressly forbidden to the new Legislative Councils of the Australian Colonies Government Act. Ceylon abolished the preferences in 1848. By 1852 colonial preference had disappeared from all the colonies but West Australia and the Cape, and in the Cape, curiously enough, the instrument which still maintained it was an Imperial Order in Council.

The elimination of preferential duties from colonial tariffs was only one aspect of Imperial commercial policy as envisaged by Lord Grey. The supreme control of commercial policy must remain in Imperial hands;⁵ and the Imperial

¹ Gladstone to Cathcart (3 February 1846): *P.P.*, 1846, xxvii (H.C. 263), pp. 13-14.

² Grey to Cathcart (2 November 1846): CO 43/148.

³ Grey to Head (9 November 1848): CO 189/18.

⁴ Robe to Gladstone (15 October 1846): CO 13/50.

⁵ *Colonial Policy of Lord John Russell's Administration*, vol. i, p. 281.

Government must see that colonial tariffs continued to aim at revenue only, and that the colonies conformed with the principles of sound commercial policy. Lord Grey commended Sir Henry Young, accordingly, for resisting the demand for an export duty on corn at a time of scarcity in South Australia.¹ He objected to the high and allegedly prohibitory duties on colonial rum and arrack in Mauritius,² and drew attention to complaints of the duty on British gin in New South Wales,³ and of certain duties on leather, cottons, linen, woollens, hardware, paper, &c. in Canada.

'If, as is alleged by the complainants, and as in some instances would appear to be the case, any of the duties comprised in this tariff have been imposed, not for purposes of revenue, but with the view of protecting the interest of the Canadian manufacturer, Her Majesty's Government are clearly of opinion that such a course is injurious alike to the interests of the Mother Country, and to those of the Colony.'⁴

Whether or not the Canadian Government were impressed with the little homily on free trade that followed, the Act of the following year was apparently free from all taint of protection. In New Brunswick he had a prolonged dispute with the Assembly on the subject of a hemp bounty, to which he had instructed the Lieutenant-Governor not to assent in future. The Assembly urged that the matter was purely a local one, and attempted to argue the general question.

'In a new colony like New Brunswick where capital is scarce and the natural resources of the country comparatively little developed, we respectfully submit that it is not only good policy but it becomes in many instances necessary to encourage by legislative bounties the embarking of capital and industry in undertakings and pursuits which, however beneficial and profitable they may appear in theory, have not been practically tested.'⁵

Even the Board of Trade were not prepared to deny that there was a case for legislative bounties as a temporary

¹ Grey to Young (5 November 1851): CO 396/10.

² Grey to Gomm (21 May 1847): *P.P.*, 1847-8, xlii (H.C. 749), pp. 345, 352.

³ Grey to FitzRoy (9 March 1850): CO 202/58.

⁴ Grey to Elgin (31 March 1848): CO 43/149.

⁵ Head to Grey (13 April 1849): Enclosure: CO 188/109.

measure in a new country.¹ But Lord Grey was adamant. The bounty was a reversion to an old, bad policy from which Great Britain was trying to wean the other nations of the world: and besides, the scarcer capital might be, the more necessity for applying it to the best advantage.²

'If the Imperial Government is not to exercise its authority to prevent the general commercial policy we have adopted as the best for the Empire at large from being thwarted by the measures of a particular colony, I should indeed agree with Mr. Cobden in saying that the sooner we parted with our colonies the better.'³

Despite a further protest in 1851, he stood his ground.

Lord Grey has often been described as a doctrinaire free trader, which indeed he was; but it would be quite unfair to him to sum up his commercial policy in the two words 'free trade'. One item in the policy of the Peel Ministry had been a discouragement of the system of special intercolonial privileges which had grown up in different parts of the Empire: Lord Grey, on the other hand, saw that the system was not one to be merely discouraged, and attempted to put something in its place. The time seemed ripe for action. In Van Diemen's Land the farmers demanded protection against the keen competition of New South Wales, and despite the opposition of the merchants, the privilege granted by custom, though not by law, to South Australia was withdrawn in 1846, and at the same time an Act passed making goods from New South Wales liable to the same duty of 15 per cent. as was now imposed on the produce of other countries than Great Britain. The Legislative Council of New South Wales at once requested the disallowance of the Act, and the Governor associated himself with its views, dwelling upon the interruption of commercial intercourse, jealousy, and illwill likely to arise, and the need of 'some superior functionary' to exercise supervision over such measures, affecting as they did the intercolonial trade and the general interests of the Australian Colonies.⁴ Lord Grey

¹ Le Marchant to Merivale (24 May 1849): CO 188/111.

² Grey to Head (11 December 1849): CO 189/19.

³ Grey to Head (19 April 1850) (Private): *Howick Papers*.

⁴ FitzRoy to Gladstone (29 September 1846): CO 201/368.

was by no means prepared to disallow the measure, and regretted that it did not go further and take away the special privilege still left to the Mother Country. He agreed however with the view that the Australian Colonies should not be left to frame their tariffs entirely independently of one another. This object should be attained not by such special exemptions nor even by some mere 'superior functionary', but by a commercial union and the establishment of a federal authority. Accordingly, he made the establishment of such an authority one of his chief aims in the preparation of his great constitutional measure for the Australian Colonies; and to make assurance doubly sure he proposed to enact a uniform Australian tariff as a schedule to the Act. *Le mieux est l'ennemi du bien*. These ideas received a certain amount of support in the Press, but Australian sentiment was not really ready for them, and Lord Grey had to drop first the uniform tariff and then the federal scheme itself.¹ He still valiantly attempted to save something from the wreck. The old differential duties were forbidden by his Act, but he suggested that the duties on raw produce, in which the colonies chiefly traded among themselves, should be removed altogether; that the system of bonding goods should be extended so as to facilitate the re-export of imported goods; and that the various colonies should adopt a uniform and moderate tariff so that there should be no inducement to smuggle from one to the other.² At first it seemed that considerations such as these might be appreciated by colonial opinion; in the tariffs adopted by New South Wales, Victoria, and to a less extent Van Diemen's Land, there were comparatively few dutiable articles, and in 1853 Victoria actually proposed an assimilation of tariffs. It all came to nothing, however, and the colonies gradually drifted apart.³ The question arises whether Lord Grey, in his eagerness to advance farther and upon different lines, had not destroyed what slender hopes there may have been of intercolonial commercial under-

¹ On all this see below, pp. 364 ff.

² Reply to a Memorial from Geelong: Grey to Latrobe (31 October 1851): *P.P.*, 1852, xxxiv (Cmd. 1534), pp. 66-7.

³ See Allin, *History of the Tariff Relations of the Australian Colonies*.

standing in Australia. One has only to read the careful study of Mr. C. D. Allin, however, to feel that the forces of provincialism were bound in any case to prevail, and that Lord Grey deserves to be commended for his foresight in trying, however vainly, 'to save the colonies from their own folly'.¹

In North America also Lord Grey endeavoured to promote commercial union. Lord Elgin took out with him a dispatch pointing out the inconveniences, in a group of closely related colonies, of having entirely distinct customs duties and customs establishments. The different legislatures, Grey suggested, should follow the example of the German States and pass Acts recognizing the principles of assimilation of duties, consolidation of establishments, and equitable division of the proceeds. A conference of leaders should then be held to work out the arrangements in detail, and should some central authority be created it might be given the control of the postal services, and might secure the co-operation of the provinces in the matter of a railway from Montreal to the Atlantic.² This projected federal union came to nothing: the connexion of Canada with the Maritime Provinces was as yet too slight.³ But the dispatch did not fall altogether upon barren ground. The loss of preferences in the British market caused intercolonial trade to assume a new importance.⁴ The Assembly of Nova Scotia lost no time in passing an Act authorizing the Lieutenant-Governor to permit the introduction into Nova Scotia, free of duty, of all articles (except spirits) the produce of any of the neighbouring colonies that might offer reciprocal privileges; and in an address to Her Majesty it expressed its conviction of the advantages of uniform laws of trade and rates of duty.⁵ The Assembly of New Brunswick passed a similar Act, with a sigh of relief that the duties on colonial agricultural produce and stock necessitated by the circular of June 1843 might be expected now to disappear.⁶ Canada, too, passed a Permissive Act, but Hincks as Inspector General was

¹ Allin, *op. cit.*, pp. 36-7.

² Grey to Elgin (31 December 1846): CO 43/148.

³ Elgin to Grey (7 May 1847): *Elgin-Grey Correspondence*.

⁴ Shortt in *Canada and its Provinces*, vol. v, p. 231.

⁵ Harvey to Grey (1 April 1847): Enclosure: CO 217/196.

⁶ Colebrooke to Grey (27 April 1847): Enclosure: CO 188/99.

opposed to its application to manufactured products as destructive to the revenue and unduly favourable to the other provinces at the expense of the United Kingdom.¹ In the course of 1850, however, an arrangement for the free interchange of natural products was made between Canada and the Maritime Provinces. It may have been to some extent a *pis aller*, chosen because of the apparent hopelessness of any reciprocity agreement with the United States. Yet when the reciprocity treaty was at last negotiated and interprovincial trade declined again, the treaty after all did apply to all the provinces and was therefore a real triumph for the policy of economic co-operation among the colonies which Lord Grey had had at heart.

It must be confessed, however, that it is not in this that the principal significance of the reciprocity treaty lies. The main principles of the commercial policy of the Russell Ministry were, as we have seen, to maintain and extend the principles of free trade in the Mother Country and to promote their adoption in the colonies also, aiming at the goal of an Empire with revenue duties only in all its parts and trading freely with all the world. Lord Grey supplemented this policy with one peculiarly his own, and attempted to encourage the natural desire of neighbouring colonies for special relations with one another—not by any infringement of free trade principles but by means of commercial unions under some kind of federal authority. The policy looked at the Empire as a whole—not a whole in the exclusive sense of the old mercantile system, but still a whole, controlled in these matters by one Imperial Government and pursuing throughout its different fiscal systems a single commercial policy. It is not surprising that the colonies, absorbed in the economic problems immediately before them, did not look upon commercial policy in quite this light. Canada in particular was throughout these years pursuing a well-defined commercial policy of her own. She desired to find compensation elsewhere for the loss of her preferences in the British market, and to turn to account her contiguity to the United States. One aspect of this policy has been seen already in the Canadian demand for the repeal of the navigation laws, but

¹ Minutes (May 1848): CO 188/106: No. 2331.

it was most characteristically expressed in the demand for commercial reciprocity. It was a demand for special treatment, a demand which implied a claim to a considerable degree of fiscal autonomy, a demand too which might easily be misunderstood: yet at the same time it would be dangerous to refuse it, just because of the claim to self-determination which it involved. Fortunately its significance was appreciated by Lord Elgin, and in this as in other things he was able to interpret colonial opinion to Lord Grey, who, without perhaps realizing fully the import of what he was doing, committed the Imperial Government to a whole-hearted support of the reciprocity policy. Thus these two men between them not only enabled the Empire to survive the shock of the destruction of the old colonial system, but pointed the way to a new and more flexible Imperial commercial policy based on a fuller recognition of colonial needs.

It was in 1846 that the Canadian Assembly first expressed a desire for reciprocity, and the American tariff of that year, based more than ever upon protection, gave point to the request. In particular, the Canadian farmer was prevented by a duty of 25 cents per bushel on wheat from taking advantage of the fact that in the Eastern States wheat and flour often commanded much higher prices than in Europe.¹ At the end of the year the British Minister, Pakenham, began negotiations in Washington, but the attention of the States was distracted by the Mexican War. In 1847 Canada abolished her differential duties and thereby reduced the tariff on American manufactures from $12\frac{1}{2}$ to $7\frac{1}{2}$ per cent., but the Americans were not so obliging as to make that the occasion of a bargain. Early in 1848 Mr. Merritt, a prominent Canadian advocate of reciprocity, visited Washington and saw several leading members of Congress; but it was not till May that the Chairman of the Committee of Commerce of the House of Representatives, with the approval of the Secretary to the Treasury, introduced a Bill. It passed the House, but in July, and again in January 1849—despite the support of the President himself—failed to pass the Senate. The wheat-growing states disliked the Bill. The manufacturing

¹ Memo. of Executive Council on the Operation of the Navigation Laws (May 1848): Bell and Morrell, *op. cit.*, p. 355.

interests demanded that certain finished products be added to the list of free exchanges. The Southern members 'regarded the Bill with jealous suspicion as a quasi-annexation measure, which might in the end adversely affect the maintenance of slavery'.¹

Meanwhile Canada was suffering from a severe and prolonged economic depression. Elgin lost no opportunity of impressing upon the Imperial Government the great importance of reciprocity, and the risk that, if Canada were not given some such substitutes for the rejected ideal of an Imperial Zollverein, her loyalty might not stand the strain.

'Private property is unsaleable in Canada, and not a shilling can be raised on the credit of the province . . . What makes it more serious is, that all the prosperity of which Canada is robbed is transplanted to the other side of the lines, as if to make the Canadians feel bitterly how much kinder England is to the children who desert her, than to those who remain faithful . . . I believe that the conviction that they would be better off if they were 'annexed' is almost universal among the commercial classes at present.'²

The Imperial Government were willing to do all they could, but Congress seemed immovable, and the idea of a Reciprocity Treaty was rejected in 1849 by the President and Secretary of State for constitutional reasons. During the spring and summer of 1849 commercial conditions on the Lower St. Lawrence were steadily growing worse; and it is not surprising that in a seemingly desperate situation some men began to talk openly of the desperate remedy of annexation to the United States.

'No matter what the subject of complaint or what the party complaining, whether it be alleged that the French are oppressing the British or the British the French—that Upper Canada debt presses on Lower Canada, or Lower Canada claims on Upper; whether merchants be bankrupt, stocks depreciated, roads bad or seasons unfavourable, annexation is invoked as the remedy for all ills, imaginary or real.'³

Lord Durham in his Report had noted an undercurrent of

¹ Allin and Jones, *Annexation, Preferential Trade and Reciprocity*, p. 39.

² Elgin to Grey (23 April 1848): Walrond, *Letters and Journals of Lord Elgin*, pp. 60-2.

³ Elgin to Grey (14 March 1849): *ibid.*, p. 100.

feeling in this direction;¹ and commercial distress, combined with disgust at the Rebellion Losses Bill and the violent party strife that it aroused, had brought it to the surface.² Nor did it help matters that English newspapers should talk of the colonies, as they were apt to do, as a burden to be endured only because it could not be got rid of. 'Montreal was living in virtual commercial isolation in Lower Canada, and gradually losing its command over the commerce of Upper Canada':³ it was the centre of the movement. But Papineau and his *rouges* were advocating annexation for political reasons: and there was some annexation talk among the radical 'Clear Grits' in Western Canada and some even in New Brunswick.⁴

Early in October the movement came to a head with the publication of the 'Address to the People of Canada' generally known as the Montreal Annexation Manifesto. This able but curious document first enumerated the economic ills of Canada—the financial embarrassment resulting from free trade in Britain; the inability to raise loans despite the offer of security 'greatly superior to that which readily obtains money both from the United States and Great Britain when other than colonists are the applicants'; the limited market and political instability which deterred foreign capital from investment in manufactures. It then reviewed the various remedies which had been suggested—the restoration of protection in England, protection of home manufactures, federal union, reciprocity—and dismissed them one by one as delusive or inadequate. The real remedy was a friendly separation from Great Britain and union with the American Republic. It would bring political stability and remove the danger of war: it would make Canada a field for American capital; it would equalize the value of real estate on both sides of the boundary; it would raise Canadian credit; it would increase Canadian commerce and, in particular, would make Canadian rivers and canals the highway to the West; it would introduce

¹ *Report* (ed. Lucas), vol. ii, pp. 61, 192.

² On the Rebellion Losses Bill see below, pp. 451-5.

³ Shortt in *Canada and its Provinces*, vol. v, p. 234.

⁴ Sir E. Head minimized its importance: Head to Grey (15 September 1849): CO 188/110.

manufactures and give them the most extensive market in the world; it would stimulate railway enterprise; it would provide a new market for Canadian lumber.¹ Truly a tempting array of economic benefits. Some of them were of course delusive, but by no means all.

Fortunately for the Empire the manifesto appeared at a time of general political contentment. At first public opinion was curiously hesitant: then came a definite swing against annexation, to which the Canadian Ministry gave the initial impetus.² The movement had no outstanding leader and made no appeal worth mentioning beyond Montreal and the Eastern Townships, for there was no real unity of aim or action between the Clear Grits and the Montreal annexationists. The indications that Canada was not giving really extensive support to the idea of annexation reacted upon the Press and public opinion in England, which had at first not been unsympathetic. Lord Grey, made aware by Lord Elgin of the importance attaching to the opinion of Great Britain and the British Government, sent a dispatch strongly condemnatory of the movement, and this had in its turn a powerful influence in Canada. With the political aspect of the defeat of annexation we shall deal more fully elsewhere;³ but it had its economic side also. An excellent harvest, the timely repeal of the navigation laws, the steady improvement in trade which now began—all of these things made it clear to the Canadians that prosperity was not after all incompatible with continued connexion with the Mother Country.

Yet, as Elgin was wise enough to see, there was real substance in some of the demands of the annexationists. The movement had not merely been a reassertion in the colonies of the old idea that Imperial unity was a matter of commercial privileges; throughout its programme can be heard the note of dissatisfaction with a purely agricultural existence. The same ideas were expressed by the British American League, also a product of 1849, which called for protection such as Great Britain had till recently enjoyed—‘her old

¹ Elgin to Grey (3 December 1849): Enclosure: *P.P.*, 1850, xxxviii (Cmd. 1181), pp. 10-13.

² Allin and Jones, *op. cit.*, pp. 118 ff.

³ See below, pp. 455-7.

trade principles, under which she has flourished for centuries, and her people have grown the richest on the face of the globe—those great trade principles which in the neighbouring union have also been adopted, and have established that mighty and prosperous nation'.¹ The idea of an Imperial economic unit ruled from the centre on the principle of protection had proved unacceptable to a Mother Country desiring to develop her manufactures and trade freely with all nations; these were the first signs that an Imperial economic unit ruled from the centre on the principle of free trade would prove unacceptable to colonies desirous of developing manufactures of their own. The time for protection in Canada, however, had not come yet. More significant was the reassertion in the Manifesto of the undoubted fact that the economic development of Canada was, for better or for worse, closely bound up with that of the United States. Annexation must be killed by kindness, and the attempt to secure reciprocity must not be stopped now that bad times were going, but resumed with vigour lest bad times and with them cries for annexation should come again.

In the latter part of 1849 there was a real move forward. Not only did Canada pass a facultative Act, but—more important—the Lower Provinces, where the demand for reciprocity had hardly been so strong, joined Canada in a Conference of Governments at Halifax in September and resolved to ask Great Britain to open negotiations on behalf of all the provinces. Russell thought too much importance was attached to reciprocity: 'Lord Elgin', he wrote, 'must have more courage, and not talk of the loss of Canada as depending on the duty on corn.'² But Grey was insistent, and the Cabinet decided to send Sir H. Bulwer to Washington with special instructions. The omens seemed more favourable than in the past, for Bulwer was authorized to offer the fishery concessions (except as to Newfoundland) for which the United States had asked, and the annexation fiasco queered the pitch of those American politicians who hoped to get Canada by playing a waiting game. But the American Government were at most lukewarm, whilst the

¹ Quoted by *The Times*, 21 August 1849.

² Russell to Grey (19 November 1849): *Howick Papers*.

Southern and Protectionist opponents of reciprocity were active and violent; the 'Compromise of 1850' and the Fugitive Slave Bill provided much more exciting food for discussion; and Bulwer was hampered by ill-health and distracted by discussions on Nicaragua affairs, which finally led to the Clayton-Bulwer Treaty. Two Bills were introduced into Congress in 1850 but both were lost in Committee. In January 1851 Hincks visited Washington and dangled the bait of the St. Lawrence river trade before the Americans, but in vain. Losing patience he began—despite Lord Grey's discouragement—to talk of retaliation. Then Great Britain and the Maritime Provinces, in 1852, joined in enforcing more strictly against the Americans the Fisheries Treaty of 1818. This hurt, and the Americans were at first resentful, but then, like the shrewd business men they were, began to think better of reciprocity. Nova Scotia coyly whispered she would ne'er consent to give the fisheries up, and President Pierce deemed the matter so important that Mr. Consul Andrews was permitted to spend several thousand dollars in influencing public opinion in the Maritime Provinces. The same gentleman for a similar consideration made converts in the United States on the Canadian behalf. Finally, in June 1854 Elgin himself visited Washington, employed his social gifts in winning over senators from the South, and signed a treaty conceding, in addition to free trade in all the more important staple products of the colonies, the free navigation of the St. Lawrence and the fishery rights.¹

When Grey went out of office the Empire had weathered the storms of the transition from preference and protection to free trade. Canadian opinion, thanks no doubt mainly to Elgin and his Ministers, had been reconciled to the new state of things, and the Reciprocity Treaty set the seal upon this reconciliation. This result, it is true, had been attained by means which in reality, though not in appearance, were inconsistent with Grey's aim of a free trade Empire, for by conceding the claim to special treatment he took a long step towards the concession of the coming claim for full fiscal autonomy. Grey's policy, however, cannot be dismissed with

¹ For this account of the reciprocity negotiations I am much indebted to Tansill, *The Canadian Reciprocity Treaty of 1854* and Morison, *The Eighth Earl of Elgin*.

the remark that free trade as an Imperial policy had soon to give way before the principle of self-government. Free trade meant the removal of real restrictions upon colonial autonomy, and its advent and the disappearance of the old commercial imperialism prepared opinion in England for the triumph of self-government.

It has indeed been said that free trade almost ruined the West Indies, postponed the development of Canada, and favoured the United States at Canada's expense.¹ There may be in this judgement an element of truth, but it is the judgement of a partisan. It assumes that it was possible for the Empire to remain one economic unit, developing its extremities at the expense of its centre. It is unlikely that the more vigorous and independent of the colonies would long have rested content with such a system, which no more than the new system permitted them to protect their own infant manufactures: it is quite certain that its continuance would have led to a clamour against the Empire, whose unity preferentialists then and since have been so anxious to preserve. It is useless to rail against Cobden: he was no chance product, but a man of his age.

In more senses than one it is true to say that 1846 was a turning-point—*the* turning-point—in the history of the British Commonwealth of Nations. The old imperialism was obsolete: there was a danger of a new anti-imperialism. Grey did indeed look upon commercial policy too much as a problem of economic text-books and not enough as a problem of human nature, but his ideals and policy served their turn. Before long they went out of fashion, but meanwhile they had saved the Empire from its friends.

¹ Holland, *The Fall of Protection*, p. 294.

XI

FREE TRADE AND THE SUGAR COLONIES

AS has been said already, it was in relation to the sugar colonies of the West Indies and Mauritius that the principles of free trade were most difficult to apply. Peel even in his last six months of office proposed to retain the discrimination against slave-grown sugar which he had made in 1844. The amount of other foreign sugar introduced under the Acts of 1844-5 had quite failed to come up to his expectations: in 1846 he proposed to reduce the colonial preference, but not to interfere with the principle of excluding the sugar grown by slaves. The Whigs, however, had always opposed this discrimination, and within three weeks of coming into office Lord John Russell announced that he intended to do away with it and gradually to equalize the sugar duties. Foreign muscovado sugar, slave and free, was forthwith to be admitted at a rate of 21s. per cwt. as compared with the duty of 14s. per cwt. on colonial sugar;¹ and this rate was to be lowered by successive stages to 20s., 18s. 6d., 17s., 15s. 6d., until on and after 5 July 1851 it reached the colonial rate of 14s. The duties on refined sugar, on 'white clayed' sugar, and on molasses were to be similarly equalized by proportionate reductions. By way of compensation the colonies would be enabled by the amending Possessions Act to equalize their own duties on British and foreign goods; the difference between the excise duty on spirits and the import duty on rum would be reduced from 1s. 6d. to 1s.; and the planters would be permitted to procure labour from any British possession with no further restrictions than what were absolutely necessary to prevent a slave trade.²

The Whigs had no independent majority, and of course their measure was bitterly opposed, inside and outside Parliament, by the abolitionists as well as by the protectionists.³

¹ The existing duty on foreign free labour sugar was 23s. 4d.

² House of Commons, 20 July 1846: *Hansard*, Third Series, vol. lxxxvii, pp. 1304-25.

³ Note especially petition of T. Clarkson presented by Brougham: *ibid.*, vol. lxxxviii, p. 5.

As Disraeli remarked in his *Lord George Bentinck* six years later: 'If the consequence of such a monopoly were a dear article, the increased price must be considered as an amercement for the luxury of a philanthropy not sufficiently informed of the complicated circumstances with which it had to deal.'¹ Statesmen gain little, however, by arguing that public opinion is demanding inconsistent things: it is their business to reconcile its several demands. Peel's view was that no Government could permanently resist the introduction of slave-grown sugar, and he was not prepared to take the responsibility of voting against the Bill.² This was clearly the opinion of some even of the West Indian proprietors: one of them, Barkly, whom we shall meet again, would have preferred three years of really efficient protection to five years of attenuated duties, but he and at least three others voted with the Government. The amendment of Lord George Bentinck, modelled on the amendment which had compassed the defeat of the Whigs in 1841, was defeated by the surprisingly large majority of 265 to 135. In due course the Bill became law.

Peel's diagnosis of public feeling was undoubtedly correct. 'Jacob Omnium' (M. J. Higgins), in the first of many letters to the Press on West Indian subjects, had warned his fellow-proprietors not to expect the protectionists to secure for the West Indians what they had been unable to secure for themselves, and had pointed out the advantages of a final settlement.³ It was wise advice but soon forgotten—among others by Higgins himself. The facts were clear. Maybe men were impressed by Russell's argument that the principle of discrimination was undermined by the admission of other slave-grown produce and of slave-grown sugar under the American and Venezuelan treaties.⁴ Maybe it was just that the cheap sugar cry was drowning the anti-slavery cry. In any case, the British people had decided that the West Indies like other colonies must lose their commercial privileges. Why, asked *The Times*, should it be incumbent upon the nation to keep the West Indian negro in far greater ease and comfort than its own vast and starving

¹ Op. cit., p. 324.

² *Hansard*, Third Series, vol. lxxxviii, p. 100.

³ *The Times*, 20 July 1846.

⁴ See above, p. 185.

masses and to give a premium to an inefficient system of management and cultivation?¹

The West Indies of course viewed the matter differently. They had not the first-hand knowledge of political necessities which had induced men like Barkly and Higgins to acquiesce in Lord John Russell's measure. They only knew that, having been plunged into a crisis by the liberation of the slaves, and having at last begun to emerge from it, they were to compete with foreigners employing the very system of slave labour which they had employed in their palmy days. In Antigua and the Leeward Islands, indeed, where the labour difficulty was not so severely felt, the *fait accompli* was quietly accepted and the future was faced with determination.² In Trinidad, on the other hand, the Bill was denounced as contrary to 'honour, humanity, consistency, and justice';³ and the Jamaica Assembly slipped back into its old habit of re-crimination.

'From the passing of the Emancipation Act, Your Majesty's Ministers have never ceased to urge upon the colony, even under threats of Parliamentary compulsion, the necessity of new laws, and of new and expensive establishments, to make successful that great change in our social system in which the whole Empire was said to take so deep an interest.'

They had done so, despite their declining production, and this was their reward.⁴ And in virtually every one of the colonies the concessions announced as compensation were regarded as only a beginning. A British Guiana petition asked that colonial sugar and molasses be admitted freely into British breweries and distilleries, where their use was now forbidden, and that 'encouragement' be given to the potentates of Africa to allow free emigration.⁵ The Trinidad planters' views were very similar. The Assembly of Jamaica had delusive hopes of inducing the Imperial Government still to give some protection to colonial sugar into the bargain—if the duty could not be taken off it altogether 'in accord-

¹ *The Times*, 23 July, 9 November 1846.

² Higginson to Grey (17 April 1847): *P.P.*, 1847, xxxvii (Cmd. 869), p. 40.

³ Harris to Grey (4 September 1846): Enclosure: *ibid.* (H.C. 119), pp. 17-18.

⁴ Memorial (18 December 1846): *P.P.*, 1847, xxxviii (H.C. 160), pp. 5-7.

⁵ Light to Grey (4 December 1846): Enclosure: CO 111/237.

ance with the principles of free trade now acted upon in respect to other articles'.

Only on this question of protection did the Government maintain an unyielding front. Early in 1847 the Chancellor of the Exchequer announced that sugar (not molasses, for fear of frauds on the revenue) would be admitted to use in breweries and distilleries; and that the differential duty on colonial rum would be reduced to 9*d.*, splitting the difference between the West Indians' and the distillers' estimates of the disadvantage of the excise regulations.¹ A concession which found compensation for the loss of one protective duty in the diminution of another was not very palatable to protectionists; but the colonists seem to have shown general satisfaction.² And Lord Grey repeated the promise that the Government would do all they could for immigration.³

Immigration was still the panacea of those of the planters who did not spend their time lamenting the irrevocable past. In Mauritius it had already passed beyond the stage of mere experiment. Even Gladstone, anxious as he was to bring the negro back to the estates, had admitted that this must be a matter of time; and he was almost alone in his belief that it could be done at all. Six thousand coolies were now coming in each year.⁴ The immigration was costly: it had led to an extension of cultivation which kept wages comparatively high: and there were many complaints of the desertion of labourers under engagement. But the whole question was one of making the best use of a system which no one thought of abandoning. The planters' demands were the obvious ones—longer contracts, more stringent laws, more and still more coolies. Lord Grey preferred indirect pressure to compulsion. A monthly tax of 5*s.*, payable in advance, should be levied upon all immigrants not under contract to labour for some planter; and the excessive competition for labour which was one of the causes of desertions should be checked by a stamp duty of £2 upon such contracts, with a lower

¹ *Hansard*, Third Series, vol. lxxxix, pp. 286–95; vol. xci, p. 491.

² *The Times*, 21 April 1847: West India Mails.

³ Earl Grey to Sir C. E. Grey (1 February 1847): *P.P.*, 1847, xxxviii (H.C. 160), pp. 8–10.

⁴ A certain number were leaving also—3,287 in 1846 as compared with 6,789 new arrivals.

rate on their renewal. These payments should be applied to immigration purposes, thereby relieving the ordinary colonial revenue. At the same time, Grey agreed with Gladstone that immigration should be humanized: families should be encouraged to come, and village communities established under Indian headmen.¹ It was hardly to be expected that the planters should at once be convinced of the superiority of Grey's ideas to theirs: village communities 'would only increase the number of a class already too considerable, without adding to the class of field labourers':² a return to something like the regulated bounty system of 1843 would be better than any tinkering with the Government system:³ but they did at least accept Grey's financial proposals, and soon admitted that they were an improvement.⁴

Immigration had been much less successful in the West Indies. There had been high hopes, at first, of the coolies, but they had failed to come up to expectations. The Bengalis were on the whole industrious and healthy; but the Madrasis were by profession more often beggars than agricultural labourers, and relapsed into idleness, vagrancy, and destitution.⁵ The 'Sirdars' or headmen were ill-selected, the interpreters too few in number; neither the planters nor the Governments made provision for medical attendance or for education. In Trinidad a code of regulations was devised to check vagrancy, but it was too stringent to gain the sanction of Lord Grey. Altogether, in the uncertain time that followed the passage of the Sugar Duties Act, coolie immigration was generally felt to be too speculative and too expensive to be continued. The Jamaica Agent-General for Immigration reported in October 1846 that there were only 1,200 applications for coolies, whereas arrangements had been made to bring 5,000; and after that season no more were introduced. The Trinidad Council of Government asked for 1,000 for the season of 1847-8, but then its funds gave out. It was in British Guiana that the experiment had succeeded

¹ Grey to Gomm (29 September 1846): *P.P.*, 1847, xxxix (H.C. 325), pp. 144-7.

² Gomm to Grey (12 July 1847): Enclosure: *P.P.*, 1847-8, xlv (H.C. 61), p. 191.

³ Gomm to Grey (11 July 1848): Enclosure: *P.P.*, 1849, xxxvii (H.C. 280-II), pp. 135 ff.

⁴ *Ibid.*

⁵ Governor Barkly thought the Bengalis were more easily acclimatized. Certainly the Mauritius planters were anxious enough to get coolies from Madras, none the less.

best; but though 5,000 were ordered for the 1847-8 season, further immigration was then prevented by financial difficulties; and in the last season the mortality, also, was extremely heavy.¹ It cannot be said of a scheme which introduced 4,500 coolies into Jamaica, 5,400 into Trinidad, and 11,900 into British Guiana that it was an unqualified failure; but at least it had not yet solved the labour problem and it was doubtful whether the problem could be solved along those lines.

Nor was there any real reason to believe that immigration from other places would solve the problem. The Madeiranese were industrious enough, and it did not cost much to bring them; but Guiana had once again found them a mixed blessing. Six thousand came in during 1846, but disease, with the aid of drink and dirt, swept off 12·37 per cent. of them in the last six months of the year.² Trinidad also introduced some, but within four months more than half were dead.³ Immigration on bounty into Guiana was restricted by Grey's direction to a four months' season, and immigration into Trinidad ceased. Africans were cheaper to bring than coolies, less liable to disease than Madeiranese. Lord Grey agreed to open the Gold Coast and the Gambia on the same terms as Sierra Leone, to allow annual contracts to be made in these places under careful supervision, and to send a vessel of the Royal Navy to collect emigrants on the Kroo Coast, where the slave trade appeared not to exist.⁴ But the fundamental difficulty, which was not a matter of rules and regulations, still remained: misrepresentation apart, it was difficult to persuade the African to exchange the ease and independence which he enjoyed at home for a life which brought material gain but necessitated labour. A few hundred liberated slaves continued to come to the West Indies every year, and even of them there were complaints. The new African immigration scheme was as complete a failure as the old.

If immigration was the cure for West Indian ills it must

¹ The death-rate on the voyage was often from 6 to 10 per cent.

² Light to Grey (3 July 1847): Enclosure: *P.P.*, 1847-8, xxiii, Part I (H.C. 167), pp. 416-23.

³ Harris to Grey (6 October 1846) (Private): CO 295/152.

⁴ The naval officers disliked the service, and after a while merchant vessels with Government agents on board were sent to the Kroo Coast instead.

clearly take some new form. West Indians began to ask for a scheme based upon the wholesale purchase and emancipation of slaves in Africa, and Joseph Hume supported such a scheme in the House of Commons.¹ It stood of course not the slightest chance of adoption: it would have given direct encouragement to the interior slave trade. Lord Harris, the able and vigorous Governor of Trinidad, thought that the real question was simply one of turning to better advantage the immigration actually received.

‘They are not, neither coolies or Africans, fit to be placed in a position which labourers of civilized countries may at once occupy; they must be treated like children, and wayward ones too. The immigrant has been looked upon too much as a mere animal whose labour is valuable, whereas I would endeavour to make him eventually a useful colonist, an industrious and worthy citizen. To attain this he must be subjected to a discipline and to education. The provisions of that discipline must be directed, superintended, and enforced by the Government, in a colony like this. To leave it to the proprietor or manager to whom the immigrant may be entrusted as a labourer is probably rendering the plan nugatory; there are duties towards those under him which he is also ignorant of, and which he must be taught. Could the immigrants already imported at such heavy cost have been kept to the purposes for which they were introduced, their labour alone would amply suffice to carry on the cane cultivation and the sugar manufacture of the island.’²

Freedom of contract, in short, must not be made a fetish. With this view Lord Grey was inclined to agree, but he did not think public opinion in England would accept it:

‘I doubt not that your Lordship will perceive the serious difficulties under which we labour in the treatment of immigrants belonging to savage or half-civilized races, whose unfitness for unrestrained liberty is not generally understood or acknowledged in this country.’³

And there for the time the matter rested.

In any case, Lord Grey believed, the West Indies had expected far too much of immigration. It was not that he was unsympathetic to the planters—on the contrary.

¹ *Hansard*, Third Series, vol. xcii, p. 786.

² Harris to Grey (21 February 1848): *P.P.*, 1847-8, xxiii, Part III (H.C. 245), pp. 275-7.

³ Grey to Harris (15 April 1848): *P.P.*, 1847-8, xlv (H.C. 399), p. 201.

'With the maintenance of the colonial agriculture and exports', he wrote, 'is bound up the moral and industrial well-being, the education, enlightenment, and good government of the negro race in the British colonies; and along with that, the abatement and ultimate extermination of the slave trade and of slavery throughout the world.'¹

It was rather that he thought that far the best solution of the labour problem would be to bring the negroes back to the plantations. In 1833 he had wanted to discourage the desertion of plantations for provision-grounds by imposing a tax on land not producing for export, and he thought that a wrong turning had then been taken, much to the detriment of the negroes themselves. He agreed with Henry Taylor that emancipation had 'placed the negroes within the danger of a larger access of sudden prosperity than human nature can well bear'.² The great question was whether it was too late, or whether habits of industry could yet be instilled into the negroes—not by the whip of the slave driver or even the terrors of the law, but rather by the operation of the ordinary motive of human toil, the pressure of economic necessity.

He hoped that the natural fall in wages, now that protection was being withdrawn, would itself do good. High wages had by no means contributed to the real welfare or to the civilization of the negroes: on the contrary, it had 'tended to give them habits of idleness, and to produce that demoralization of which idleness, among men of whatever race or whatever rank, is the invariable source'.³ Sugar had been a sheltered industry, in which the rate of wages had artificially been kept unduly high relatively to those of the sugar-consuming operatives of the Mother Country. In 1848 wages began to fall, though at different rates in the different colonies, so that they ranged from 5*d.* a day in Barbados to 1*s.* 3*d.* or even 1*s.* 8*d.* in Trinidad.⁴ There is no reason to think that the readjustment had a prejudicial effect upon the negroes.⁵

¹ Earl Grey to Sir C. E. Grey (30 October 1847): *P.P.*, 1847-8, xxiii, Part I (H.C. 107), p. 356.

² Minute of Taylor (15 February 1846): *P.P.*, 1849, xi (H.C. 297), p. 268.

³ Grey to Walker (British Guiana) (30 June 1848): printed in Bell and Morrell, *op. cit.*, p. 439.

⁴ Abstract in *Howick Papers*.

⁵ As late as 1857 Lt.-Governor Walker said, apropos of a rise in wages: 'The result has not been to stimulate the labourer to greater or more sustained exertion, but the reverse': *P.P.*, 1859, session 2, xx (H.C. 31), p. 101.

Grey by no means proposed, however, to trust solely to the methods of *laissez-faire*. He had realized from the first the undoubted fact that the negroes would have little temptation to labour if they could get land at a low price or at no price at all. In Trinidad particularly 'squatting' had been a serious problem ever since 1838, and it was all the more so now that wages were likely to be lower. Grey was of opinion that the position might yet be retrieved by vigorous action. If a high price were put upon Crown land (as he had suggested to the Parliamentary Committee of 1842) it would at least tend to raise the price of private land also, and to keep new immigrants on the estates.¹ At the same time an attempt should be made to encourage the formation of villages of small freeholders looking in the main to labour on the neighbouring estates for their subsistence: this would also simplify the problem of education and religious instruction.² Lord Harris doubted whether villagers would be willing to work for hire, and nothing came of this suggestion. But, in June 1847, an upset price of £2 was put upon land in Trinidad. An offer of terms was made, in addition, to the squatters; and in 1848 an Ordinance for the suppression of squatting was passed. Thus the problem was at least being grappled with.³

The case might not be hopeless even if the negro already had his plot of land. In parts of India land was apparently abundant; yet the labourer worked hard for but a scanty share of the necessities and comforts of life. Why? Partly, said Lord Grey, because of his lack of skill, but still more because the State required so large a portion—too large a portion indeed—of the produce of the soil as revenue. Could not the same principle be applied, less harshly, in the West Indies?⁴ The planters in British Guiana, and in

¹ Minute (1846: n.d.): CO 318/166.

² Grey to Harris (24 October 1846): *P.P.*, 1847, xxxviii (H.C. 160), pp. 22–3.

³ It is difficult to judge how far this policy was successful. In 1852 Harris introduced a stronger Ordinance and made it clear that squatting had by no means been suppressed, but in 1858 Governor Keate, a man of some West Indian experience, attributed the productivity of Trinidad in great measure to the steadiness with which the island had pursued the object of concentrating population round certain centres of civilization and preventing its spread into distant and unsettled districts: *P.P.*, 1859, session 2, xxi (Cmd. 2567), pp. 65–7.

⁴ Grey to Harris (16 May 1848) (Private): *Howick Papers*.

Jamaica, were already trying to shift to the shoulders of the negroes part of the burden of taxation, but by the mistaken method of reducing the export duties on produce and increasing the import duties on food. Lord Grey's view was that a taste for the habits and comforts of civilized life should be encouraged in the negro by enabling him to obtain imported goods as cheaply and abundantly as possible: the desire to satisfy these wants would then afford a stimulus to labour.¹ This partiality for taxes on land was not shared by the colonists: both the Guiana Court of Policy and the financial officers of Government in Mauritius thought they would be unfair, difficult to assess, and difficult to collect;² as for the Jamaica Assembly, it was a law unto itself in matters of finance. Grey had, indeed, an alternative to suggest—a tax on houses. This, he thought, might be introduced as part of a system of local government, the proceeds of the tax being applied to hospitals in which free treatment might be granted and workhouses in which the destitute might be relieved; and labour on the roads might be enforced if the rates were not paid.³ Lord Harris, however, thought this tax more objectionable in principle than the land tax. It would be difficult to assess; if graduated according to value, it would check improvement; it would put the planter whose labourers resided on his estate in a difficult position.⁴ But Grey's ideas were not altogether fruitless. In 1847 Harris passed an Ordinance introducing into Trinidad a system of local government and local rating, designed to pave the way for a future system of local elective bodies—though it was not until the beginning of 1850 that the Ordinance was brought into full operation.

The last but not the least item in Grey's policy was education. Elgin had done something in Jamaica; but elsewhere apathy and religious divisions had been an effectual bar to progress. Grey, like Elgin, believed that the education of the negroes was the great means by which emancipation might be made to result, not merely in exemption from

¹ Grey to Harris (16 November 1846) (Private): CO 296/181.

² Light to Grey (18 December 1846): CO 111/237; Gomm to Grey (14 December 1847): Enclosure: *P.P.*, 1847-8, xxiii, Part III (H.C. 245), pp. 338-9.

³ Grey to Light (29 March 1848): *P.P.*, 1847-8, xxiii, Part III (H.C. 245), p. 251.

⁴ Harris to Grey (19 July 1848): *P.P.*, 1849, xxxvii (H.C. 280-II), pp. 7-9.

physical suffering and brutalizing oppression, but in true moral and spiritual freedom. It made labour intelligent and orderly: it created new wants, new activities, and a new alacrity both of body and of mind. He regretted that so little had yet been done to introduce an industrial element into education in the West Indies: it ought to be possible, for instance, to provide the principal part of the children's food at school from the produce of their own labour. He was ready to assent to direct taxation for educational purposes, or to a well-considered law compelling parents to send to school children of specified ages and to pay a specified sum for their schooling.¹ Unfortunately, the circular dispatch in which he embodied his views is rather interesting in the extent to which it anticipated modern ideas than important for the practical results which followed it. The British and Foreign Anti-Slavery Society objected to the idea of compulsion and to industrial training for labour on estates;² and Walker of British Guiana for one doubted whether the suspicious negroes would consent either to the industrial training or to a tax.³ And education continued to languish.

Grey in fact fell between two stools. If his ideas had been tried in 1833, when the negroes had not formed their new habits, and been tried by Governors who believed in them, there is at least a chance that they might have exercised a decisive influence upon the fortunes of the West Indies; but at that time the horizon of most men was bounded by the idea of giving the negro 'freedom'. The formative years of the new society had however been let slip. Now the old ideas had changed. The ablest Governors, Harris after 1846 like Elgin before, realized the limitations of the negro and of the abolitionist policy:

'A race has been freed, but a society has not been formed. Liberty has been given to a heterogeneous mass of individuals who can only comprehend license—a partition in the rights and privileges and duties of civilized society has been granted to them; they are only capable of enjoying its vices. To alter such a state of things, vigorous and prompt measures are required, in order that the authority of the

¹ Circular Dispatch (26 January 1847): *P.P.*, 1847, xxxix (H.C. 325), pp. 3-4.

² B. F. Anti-Slavery Society to Grey (25 June 1847): CO 318/170.

³ Walker to Grey (13 June 1848): *P.P.*, 1847-8, xlvi (H.C. 749), pp. 205-6.

law should be felt; greater weight must be given to the Executive; to humanise the people a general and expensive system of education must be adopted; to assist in civilisation every encouragement should be given to the establishment and to the easy circumstances of a superior class, especially of Europeans, amongst the population.¹

The negro, however, had been allowed to go his own way so long that it was difficult, even in a Crown Colony like Trinidad, to translate intention into action. In 1848, strikes and incendiarism in British Guiana and disturbances in Jamaica—due no doubt chiefly to the lowering of wages—showed that the obstacles in the way of a real change of policy were not purely imaginary. The planters, moreover—to whose opinion weight had to be given even where they were not in control—had clearly lost hope of ever bringing the negroes back to the estates; and they never looked below the surface of things and valued negro industry or negro education for their own sakes. And just at this time they were able to urge, with some reason, that their economic existence was at stake, and that relief rather than reform was the immediate need of the West Indies.

The West Indian sugar crop in 1847 was distinctly larger than in 1846: imports into Great Britain were 160,000 tons as against 107,600 tons. The Mauritius crop was also good. Slave-grown sugar, however, had begun to come on the market; and the price, which at the New Year had been 34s. per cwt., began to fall in February to rates it had never before touched.² A fall in the price of sugar was of course the object of the Act of 1846; and the mitigation of its effects upon the West Indies had been the aim of Lord Grey's policy. Unfortunately, this was more than a mere collapse of the sugar market. The famine in Ireland, the violent fluctuations in the price of corn, and the calls on railway shares, simultaneously produced a financial panic in Great Britain.³ The leading Mauritius houses in London, and many West India houses also, went bankrupt: in January 1848 the West India Bank, doing business in Trinidad, Barbados, and some of the smaller islands, suspended payment. The Guiana

¹ Harris to Grey (19 June 1848): Bell and Morrell, op. cit., pp. 432-3.

² In October the price had fallen to 21s. 9d.

³ See Clapham, *Economic History of Modern Britain: The Early Railway Age*, pp. 528-35.

and Trinidad Loan Commissioners found themselves totally unable to raise funds for immigration. Credit, in fact, was unobtainable.

Merchants and planters alike attributed their distress to the policy of 1846; and it was soon apparent that the principal relief they desired was a reversal of that policy. The London West India Committee asked for other measures as well—lower duties on rum, further brewery and distillery concessions, a guarantee of loans, as in Ireland, for drainage and other agricultural improvements, a more active immigration policy.¹ Petitions from the colonies asked that more effective steps be taken against the slave trade to Brazil and Cuba, which had been rapidly increasing under the stimulus of the new sugar policy. But these demands were all subsidiary to the demand for protection. The West India Committee wanted a duty of 10s. per cwt. until adequate supplies of labour were available, and this was the minimum asked for.

Ministers admitted that the planters had a claim to further assistance. In October 1847 Lord Grey authorized advances up to £150,000 to merchants and planters in Mauritius on the security of the crop about to be shipped;² and by this measure averted any danger of the complete collapse of the industry there. In February 1848 the Chancellor of the Exchequer proposed on behalf of the Government to allow the use of molasses in distilleries and the importation of sugar in the form of cane juice; to take over virtually the whole cost of emigration from Africa; and, in view of their inability to raise their loans, to make an advance of £200,000 to Trinidad and Guiana.³ The proposed repeal of the navigation laws would, he pointed out, give further relief by lowering freights. The Government, however, were not prepared to give the planters *carte blanche* in the matter of immigration: they were disposed to think any loans for agricultural improvements better left to private individuals or to the colonial legislatures: above all, they were not prepared to allow the claim for protection. The natural price, said Grey, was a far better basis for

¹ Memorial (25 October 1847): *P.P.*, 1847-8, xxiii, Part II (H.C. 206), pp. 273-4.

² Grey to Gomm (25 October 1847): *P.P.*, 1847-8, xlv (H.C. 61), pp. 255-8.

³ *Hansard*, Third Series, vol. xcvi, pp. 42-70.

enterprise and improvement in the sugar industry than the artificial prices of protection, and it was to their own exertions that the planters must, ultimately, look for their salvation.¹

At present, however, the planters were resolved to see what could be done by the exertions of the protectionist party. Lord George Bentinck took up their case and moved for a Select Committee of the House of Commons, and he and Stanley and Disraeli did not conceal their hope that the new commercial policy would be proved to have failed, and protection be found to be the only remedy. The financial concessions and the removal of further restrictions on trade were mere palliatives: enterprise, free competition, and other such specifics were mere phrases, and not remedies at all. The Committee made an exhaustive inquiry, and its minutes of evidence and appendices fill four substantial volumes.² All the planter witnesses told the same tale of woe, and there was no small concurrence of opinion among them as to the remedies required. All seemed to want an equalization of the duties on rum and on British spirits; a considerable reduction of colonial expenditure; more effectual measures against the slave trade; and unrestricted immigration. Many also desired permission to refine their sugar 'in bond' so that foreign sugar might lose the advantage it derived from its higher average quality; and many looked with favour on the idea of guaranteed loans for drainage, irrigation, and other agricultural improvements. All, finally, concurred as to the necessity of some protection, much as they differed as to its proper duration and amount. The minimum was Barkly's suggestion of 10s. a year for the next two years, to enable planters to continue cultivation and to reduce wages; but there was very general support for much more radical measures—for a permanent protection of ten or fifteen shillings, or for a return to the principles of 1845 and entire abandonment of those of 1846.

Among the members of the Committee there was great diversity of opinion as to the conclusion to be drawn.

¹ Earl Grey to Sir C. E. Grey (30 October 1847 and 14 April 1848): *P.P.*, 1847-8, xxiii, Part I (H.C. 167), pp. 356-8; xlv (H.C. 399), pp. 4-5.

² *P.P.*, 1847-8, xxiii, Parts I-IV.

A parliamentary committee is hardly the most suitable body to investigate a question which is the subject of acute party controversy; and in this case it certainly cannot be said that the members were actuated solely by a desire to get at the truth. Mr. Wilson, on behalf of the Government, proposed a set of resolutions endorsing the policy the Government was already pursuing; Sir E. Buxton's conclusion was that slave-grown sugar ought to be entirely excluded, Lord George Bentinck's that, until adequate supplies of labour were available, colonial sugar ought to be protected. Out of these conflicting proposals there at last emerged, however—after a number of close divisions—a majority report repudiating any claim to permanent protection, or to a system of immigration which might encourage slave-dealing; but recommending a protective duty of 10s. in favour of colonial sugar for six years, to save the majority of estates from inevitable abandonment and to give time for other measures of relief.¹

Undoubtedly public opinion had been impressed with the hard lot of the planters as revealed by the evidence and by the news from the West Indies. At first *The Times* had discounted the claim for special relief.

'It only swells a chorus of lamentation. Unparalleled calamities within our own shores, aggravated by unparalleled rashness of speculation, have left little room for sympathy with a class of once wealthy proprietors, who are no longer wealthy because we are no longer taxed as we have been for their benefit.'²

Later its attitude changed: it began to point out the inconsistency of public opinion in England, which wanted a commodity at its natural price and at the same time wanted to do away with a certain method of producing that commodity;³ which applied the principles of *laissez faire* against the planter but not (in labour questions) in his favour.⁴ If wholesale immigration could not be allowed—and it began to wonder why, after all, it should not be—then the Act of 1846 should have been accompanied, like the Act of 1833, by definite compensation.⁵ At times it even coquetted with the

¹ *P.P.*, 1847–8, xxiii, Part III, pp. iii ff.

² *The Times*, 23 September 1847.

³ *Ibid.*, 6 January 1848.

⁴ *Ibid.*, 16 May 1848. Cf. also *The Spectator*, *passim*.

⁵ *Ibid.*, 5 and 7 February, and 28 September 1848.

idea of protection.¹ An acceptance of the principle of protection would of course have stultified the whole policy of the Government: even a grant of time might be a dangerous precedent, which corn-growers might ask to be applied to them also.² Yet the clamour was so great that in the end they did feel bound to propose a compromise. Lord John Russell announced on 16 June that the duty on colonial sugar would be lowered as from 5 July to 13s., and afterwards by annual stages of a shilling to 10s., and the duty on foreign muscovado, in successive years, to 18s. 6d., 17s., 15s. 6d., 14s., 13s., 12s., and 10s.: complete equalization would thus be postponed from 1851 to 1854. The duties on 'white clayed' would be lowered correspondingly, and intermediate duties would be laid upon 'brown clayed'—a class to which nine-tenths of the foreign imports would, it was said, belong. An inquiry would be made into the possibility of allowing colonial sugar to be refined in bond. The differential duty on rum would not be abolished, but would be reduced from 9d. to 4d. It was hoped that these measures would stimulate production; and it was further proposed to guarantee a loan of £500,000 for immigration.³

The compromise was not, at first, much liked by any one. The defeat of the Government was indeed expected. The Protectionists of course declared the relief inadequate: Bright and Cobden wanted the Act of 1846 maintained, and declared that it was not the business of Parliament to make sugar-growing profitable, any more than any other industry.⁴ The debates were embittered by an accusation, shown in the end to be unfounded, that Lord Grey had intentionally withheld from the Committee a dispatch from the Governor of Jamaica (Sir C. E. Grey) in favour of protection. Peel and Graham, however—though not all the Peelites—preferred the proposals of the Government to a six years' protective duty; and in the critical division the Protectionists were defeated by 260 to 245. In later divisions the Government

¹ *The Times*, 29 May 1848.

² Russell to Wood (9 January 1848): Gooch, *Later Correspondence of Lord J. Russell*, pp. 185-6.

³ *Hansard*, Third Series, vol. xcix, pp. 734-9. The reduction of the sugar duty was accompanied by a withdrawal of permission to use sugar in breweries.

⁴ *Ibid.*, pp. 1420-31.

majority increased, and Bright's proposal to maintain unchanged the Act of 1846 was lost by 302 to 36. Ministers accepted a suggestion of Gladstone to extend the scope of the guaranteed loan to 'the formation of roads, railways, works of drainage or irrigation, or other public undertakings of a similar character'; but in the main their proposals passed into law unchanged.¹ Four years later Disraeli himself was ready to admit that the course pursued by the Government was 'a temperate and statesmanlike one'.²

The colonies, however, perhaps did not know, and at any rate refused to acknowledge, the political exigencies of the situation in England. The divisions had been sufficiently close to keep their hopes of protection still alive. Their position was indeed parlous: Lord Harris did not think that more than six of the 193 sugar estates in Trinidad were likely, despite the fall in wages, to make a profit in 1848.³ The *Jamaica Despatch* declared that Lord John Russell's measures would not save one single estate, nor give the confidence necessary to the investment of one single shilling.⁴ The loan guarantee was sulkily declined until in 1850 Trinidad and Guiana at last thought better of their refusal. The colonies preferred to take a line of their own and to embark on a campaign for retrenchment and 'self-government'.⁵

With the principle of retrenchment it was impossible to quarrel. The Trinidad Treasury was reported to be 'quite empty' in May 1848, but there the necessary economies were effected without fuss. In Mauritius the only difficulty arose from the fact that Sir W. Gomm, after some resistance, finally made such wholesale remissions of taxation as to bring the island near to bankruptcy.⁶ His successor, Sir G. W. Anderson, had to reimpose some of the taxes, but by careful administration he soon set the finances upon a sounder

¹ 11 and 12 Vict. caps. 60 (Rum Duties), 97 (Sugar Duties), 130 (Loan Guarantee).

² *Lord George Bentinck*, p. 541.

³ Harris to Grey (19 June 1848): Bell & Morrell, op. cit., pp. 428-30.

⁴ 22 July 1848: *The Times*, 21 August 1848.

⁵ There seems good reason to believe that they were encouraged in this course by the Protectionists in England.

⁶ Gomm to Grey (19 December 1848): Enclosure: P.P., 1850, xxxix (H.C. 741), p. 36. He took off, among other things, the stamp duty on immigrants' contracts.

footing than before. In British Guiana and Jamaica, however, the elected bodies which controlled taxation were determined to make things difficult for the Government.¹

The British Guiana civil list, it was said, had been voted on the assumption that protection against slave-grown sugar was to continue, and must now be reduced at least 25 per cent.² Though the civil list absorbed only one-seventh of the revenue, and that had shown no signs of collapsing, the Combined Court in 1848 refused supplies on the ground of its inability to afford a civil list of the existing amount—£39,000. In the course of the year one of the ablest and most moderate of the English West India body, Henry Barkly, was appointed Governor of British Guiana; but the planters, relying on the support they were receiving in England, not only from the Protectionists and that Radical busybody Joseph Hume³ but even from *The Times*, stood firm. They secured the appointment in 1849 of a Select Committee of the House of Commons, but the hopes they placed in it were disappointed. Its report, whilst not unfavourable to retrenchment in future as vacancies occurred, rejected the extreme claim that the civil list arrangement should be immediately revised. Barkly was now in a much stronger position, and he was further strengthened by a better sugar crop and the better prices that prevailed in 1849: combining tact with firmness, he gradually wore down his opponents, and by the end of the year, at the cost of reductions in the general expenditure more drastic than Grey believed to be really prudent, he had gained his point as to the civil list.

In Jamaica, when the news arrived that the Ministry had rejected the claim to protective duties, the Chamber of Commerce at once called upon the Assembly to refuse supplies 'until the injuries under which the colony is suffering are fully and substantially redressed'.⁴ The Assembly, when it was summoned, passed a Bill lowering on a graduated scale

¹ On the constitutions of these two colonies see below, pp. 251-3.

² Light to Grey (1 January 1848): Enclosure: *P.P.*, 1847-8, xxiii, Part I (H.C. 167), p. 348.

³ There is more than one reference to the activities of Hume, whose son was a Trinidad planter, in the private correspondence in the *Howick Papers*.

⁴ Sir C. E. Grey to Earl Grey (7 July 1848): Enclosure: *P.P.*, 1847-8, xliiv (H.C. 685), p. 8.

all salaries from that of the Governor downwards, and resolved to vote no supplies unless the Council accepted it. The Council refused to be intimidated, and though a complete stoppage of supplies was averted, they were partially stopped. In the opinion of the Governor the real need of Jamaica was not so much retrenchment as a better system of taxation and financial management; and he suggested an Imperial Act making permanent the revenues of 1848, until altered by all three branches of the colonial legislature, and establishing an efficient financial system. 'If the constitution of a colony were perverted to a vicious despotism, nobody would question the propriety of metropolitan interference to revoke it to English principles. Why should not the same thing be done when the perversion is towards a bad and impracticable democracy or oligarchy?'¹ Lord Grey considered the suggestion, but in the end rejected it. The precedent of 1839, and the feeling in England that the exasperation of the planters was not altogether inexcusable, were strong arguments against it.² An appeal for moderation failed, and the Assembly, repeating the manoeuvre of 1838, proceeded to denounce the Imperial Government and all its works and to refuse to exercise its legislative functions.³ It challenged the Governor to appeal to 'the people', and Sir Charles Grey accepted the challenge. In the new Assembly a division appeared before long in the planters' party on the question whether or not the officials should be compensated for the proposed reduction in their salaries. It appears, too, that the West India interest in England disapproved of going to extremes. The Assembly tacitly abandoned the idea of at once reducing salaries, and contented itself with the fact that the estimated expenditure for 1850 was only £218,000 as compared with £304,000 in 1847. Here also, by the end of 1849, there was at any rate a relaxation of tension—although the last had not been heard of financial reform.

More interesting than these barren financial disputes were the simultaneous discussions, in various colonies, of constitu-

¹ Sir C. E. Grey to Earl Grey (7 May 1849): CO 137/302. The actual suggestion he had made before.

² Minute of Lord Grey (1 April 1849): CO 137/301: No. 2675. See also *The Times*, 4 April 1849.

³ Sir C. E. Grey to Earl Grey (7 July 1849): *P.P.*, 1850, xxxix (Cmd. 1139), pp. 8-15.

tional reform. It had occurred, or been suggested, to the planters that 'self-government' was as fashionable in England as protection was unfashionable. In Trinidad there had been ineffectual petitions for representative government in 1845-6, but nothing was said about it now.¹ In Mauritius, however, the planters in 1848 formed themselves into a 'Mauritius Association', which professed to speak for the colony generally, and petitioned for a representative assembly. The demand had little real substance; and under the conciliatory government of Sir George Anderson, who knew how to manage the planters better than Sir William Gomm, it was quietly dropped. Lord Grey confined himself to enlarging the power of the Council of Government in matters of finance and to urging the establishment of municipal institutions. In British Guiana the demand was not so easily disposed of. The colony had inherited a Court of Policy which controlled legislation and contained an indirectly elected element, and had possessed since 1796 a Combined Court, consisting of the Court of Policy plus six elected Financial Representatives, which had gradually obtained considerable financial powers. There had already been requests for an Assembly, but they had come from the London Missionaries and their coloured *protégés*; and they had been refused on the ground that the necessary extension of the franchise to the negroes should be made 'slowly and only after reiterated proofs that they are not merely echoing the cry of some one who wants to make use of them'.² The stoppage of supplies by the Combined Court in 1848 was a reminder, however, that the existing constitution was not perfect. Lord Grey believed that the intervention of responsible ministers of the Crown in England as umpires between the represented classes and those which were incapable of being represented, was of advantage to the community: at the same time, if the represented classes were to use their power to the detriment of the true interests of the colony, he warned the colonists that it would become necessary to adopt 'some essential alteration in the existing system of government'.³ The

¹ There was some recrudescence of the agitation in 1850.

² Minute of Taylor (11 August 1846): CO 111/233.

³ Grey to Walker (1 September 1848): Bell and Morrell, *op. cit.*, pp. 113-15.

planters thereupon joined forces with the 'popular party', as if to say that they for their part would welcome such a change, and Joseph Hume in the House of Commons actually advocated that British Guiana should be given responsible government like Canada.¹ It is difficult to believe that the planters had any other aim than to embarrass the Government, who for their part accepted the opinion of Barkly 'that it would be imprudent as yet to do more than slightly qualify the power of the Executive in matters of legislation, and that it would be most unjust to do even that without at the same time giving those of the labourers who have acquired a certain degree of education and property, a voice in the making of the laws'.² The report of the House of Commons Committee already mentioned was to very much the same effect. In October 1849 Barkly passed a Bill creating a complicated system of freehold, household, occupational, income, and tax-paying qualifications which, he estimated, would enlarge the electorate to about three thousand. He proposed also to deprive the Governor of his ordinary vote in the Court of Policy and of his sole initiative in legislation; but this change was deferred, and in the end it was possible to avoid making it at all. The Report on the Cape Constitution³ excited some interest in Guiana: the planters apparently hoped that if there were an elective Upper House they would be able to strike a bargain with the popular party in the House of Assembly.⁴ But what life there was still in an essentially evanescent agitation was due to one man, Mr. Peter Rose, who retired from political life at the end of 1851. With his retirement the alliance of disgruntled planters and enthusiastic negrophils which had made the British Guiana demand one to be reckoned with—which had even received for it sympathetic notice from Stanley in the House of Lords⁵—was soon dissolved.

Jamaica, of course, had representative government already. It had been established in 1664, and had led, as in the American Colonies before the Revolution, to a gradual

¹ House of Commons, 24 July 1849: *Hansard*, Third Series, vol. cvii, p. 930.

² Barkly to Grey (26 March 1849): *P.P.*, 1849, xi (H.C. 297), pp. 330-1.

³ See below, p. 280.

⁴ Barkly to Grey (2 May and 14 June 1850): CO 111/274.

⁵ 14 April 1851: *Hansard*, Third Series, vol. cxvi, pp. 130-4.

encroachment by the Assembly, through a system of committees, on the powers of the Executive. 'The form of government', says a recent authority, 'was so devised that it would not have worked smoothly if Governors and Assemblymen had all been the most upright and disinterested of mankind. . . . It was only the absolute necessity of temporary reconciliations, caused by the continual recurrence of danger from foreign wars and domestic uprisings of slaves, and by the havoc of earthquake and hurricane, that made it move at all.'¹ After the Assembly had escaped the fate which Henry Taylor had designed for it, there had been under Metcalfe and Elgin an era of good feeling, under which the constitution had worked smoothly; but the new crisis had of course thrown it out of gear, and the financial disputes with which we have already dealt drove not the extremists but the moderates to consider whether some better constitution could not be devised. They were attracted by the system of responsible government,² and Lord Grey was so hopeless of anything good coming out of the constitution as it stood that he was ready to listen to the proposal. It would not, he thought, increase the real power of the leaders of the Assembly, but it would increase their responsibility: and he believed that irresponsibility in matters of finance had 'greatly aggravated, if not occasioned' the financial difficulties.³ It is significant that it is in this very dispatch that Lord Grey finally rejects the idea of Imperial interference in the financial controversy; and the expressions for which he has been taken to task by Mr. Wrong⁴ are no more than an affirmation of the constitutional principle that there is no satisfactory halting-place between Crown Colony government on the one hand and responsible government on the other. In actual fact it is probable that the feeling in favour of responsible government had been exaggerated by Sir

¹ H. H. Wrong, *The Government of the West Indies*, pp. 44-5.

² Sir C. E. Grey to Earl Grey (20 April 1849): Enclosure: *P.P.*, 1850, xxxix (Cmd. 1139), p. 6.

³ Earl Grey to Sir C. E. Grey (16 April 1849): *P.P.*, 1849, xxxvii (Cmd. 1065), pp. 173-7.

⁴ *Op. cit.*, p. 64. Lord Grey had had 'very serious doubt' at first as to the expediency of the change (to Sir C. E. Grey, 13 September 1848: CO 138/68); and my opinion is that he would have preferred a Crown Colony constitution had there been any chance of getting it.

Charles Grey, who for his own part conceived of it as merely a system of 'humouring the majority in the popular branch of the legislature':¹ at any rate the Assembly showed no desire to give up the executive powers it had usurped to responsible ministers chosen from its own body, and constitutional reform was once again postponed.

It would not be true to say that either retrenchment or constitutional reform was a mere will o' the wisp, but the all-important question in the West Indies was still that of the condition of the sugar industry. In 1850 there were real signs of a recovery—and that despite a dry season in British Guiana and several of the islands. In Trinidad the crop was larger than it had been in the days of slavery; wages had fallen 50 per cent., and labour was said to be cheaper than it had been when slavery was at its zenith.² Even in British Guiana, a Commission appointed by the Court of Policy, whilst reporting in despondent tones the number of estates abandoned, admitted that on the east coast, the most favoured and most progressive district, things were not so bad.³ In the House of Commons Buxton and the abolitionists on the one hand and Pakington and the protectionists on the other admitted that the measures of 1848 had been followed by an improvement, though they claimed that the increase of production was largely the work of new proprietors who had bought up estates at nominal prices, and that it had merely put off the evil day. Protection was, however, dead, and in a fair way to being damned: the defeat on 31 May by 275 to 234 of this last Parliamentary campaign for protection against slave-grown sugar produced hardly a ripple upon the surface of the Caribbean.

There were indeed few signs of the new era, based upon more intelligent and industrious negro labour, for which Lord Grey had hoped. The state of the negroes continued to cause men like Barkly and Harris serious concern.

'I confess', wrote Barkly, 'that the tracts of land grown up in rank vegetation, instead of canes or coffee bushes, the broken down bridges and impassable roads, which I encounter in my daily rides,

¹ Sir C. E. Grey to Earl Grey (6 November 1848) (Confidential): CO 137/298.

² *The Times*, 25 December 1849: West India Mails.

³ Barkly to Grey (25 January 1851): Enclosure: P.P., 1851, xxxix (H.C. 624), pp. 244 ff. The report was drawn up in June 1850.

strike me with far less apprehension for the future destiny of British Guiana than the apparent retrogression exhibited in these authentic annals of the emancipated peasantry. True, we ought to remember that less than fifteen years have elapsed since they were slaves subject to the most unfavourable influences; but how much better might it not have been for themselves if that fact had been borne in mind then instead of now!’

They had less respect for law, and in particular for ‘the great principle of *meum* and *tuum*’ than at the time of emancipation;¹ and, in spite of the partial success of the share farming system, they were more and more tending to desert the cultivated districts altogether and settle up the rivers and creeks in the interior of the colony. It was one thing, however, to deplore such facts, and another to remedy them. Harris in Trinidad persevered with his ‘Wardens Ordinance’ and its rates on land, and gradually the population became reconciled to it. In 1851 he carried an Education Ordinance, likewise based on local rates. For some years the general principles of the local government system continued to win the approbation of successive Governors of the colony. But it is not clear that it had any effect upon the negroes’ willingness to work, and in 1869 an Imperial Commissioner reported that the district schools were ill-attended and inefficient, and mentioned incidentally that the district roads were very bad.² Were Grey’s ideas, then, unsuited to West Indian conditions? It is difficult to say. It may well be that an undue lowering of import duties would have tended rather to interfere with the revenue and diminish industry than to stimulate consumption.³ Direct taxation was tried in more than one colony in the middle fifties, but even in the hands of a strong Governor like Wodehouse of British Guiana it was productive of more discontent than money. But in his advocacy of hospitals and dispensaries and new educational methods, and of local rating for these objects, Grey was not wrong but in advance of his time. The planters were too conservative: the colonial civil

¹ Barkly to Grey (21 March 1849): *P.P.*, 1849, xi (H.C. 297), pp. 304–5.

² *P.P.*, 1870, I (H.C. 450). One cause of the educational failure—perhaps the chief—was that the Roman Catholics had become bitterly hostile to the scheme.

³ This is ably argued in Campbell (St. Vincent) to Pakington (n.d.): *P.P.*, 1852, xxxi (Cmd. 1539), pp. 92–3.

service, perhaps, was not strong enough in personnel:¹ there was too much suspicion of everything that came out of Downing Street.

The fact is that the colonies still placed their main reliance on immigration; and indeed the loan guarantee of 1848 was an encouragement to them to do so. We have seen, however, that by 1848 it was generally felt that there was need of a more effective immigration system—one which should at the same time facilitate the civilization of the immigrant and provide the planter with steadier labour. The Agent-General for Immigration in Jamaica, Governor Barkly, and Lord Harris, were all in favour of longer contracts. The Agent-General declared that liberated Africans were tampered with by interested parties, and by the Creole negroes, and at the end of their twelve months' location on estates were as disinclined as the Creoles to steady labour.² Barkly assured Lord Grey that it was not the object of the planters to keep immigrants' wages below current rates:

'I cannot help thinking that if your Lordship could see them as they really are, ignorant of the value of money, gloating over such offal as they may pick up, or threatening to plunge the cutlasses with which they work into each other, your Lordship would marvel at the eagerness to procure labour which induces the planters to run the risk of civilizing such beings, even in three years' time, and would hesitate to judge them by the light which experience throws upon the motives and conduct of English labourers in relation to their employers.'³

Harris had been applying his mind to the problem ever since the disallowance of his coolie regulations in 1846. At the end of 1848 the Trinidad Council of Government passed an Ordinance providing that all immigrants introduced at the public expense should be indentured for five years. The Government was to allot the servants to their estates, and employers were to pay £1 a year to the Government for each. For the first year servants were to be paid in food and clothing only; and hours of labour were to be nine a day; no servant under contract was to go off the estate without a pass;

¹ On this point see the remarks of Walker, for many years Colonial Secretary of British Guiana: *P.P.*, 1859, session 2, xx (H.C. 31), p. 102.

² Sir C. E. Grey to Earl Grey (22 January 1849): Enclosure: *P.P.*, 1849, xxxvii (Cmd. 1065), pp. 6-9.

³ Barkly to Grey (1 February 1850): *P.P.*, 1850, xl (H.C. 643), p. 195.

and wilful neglect of work or disobedience of orders was to be punishable by imprisonment. There were provisions for Government superintendence, for medical aid, and for education; and at the end of their indentures the immigrants were to be given free allotments of land.¹ Harris had reduced his ideas to concrete form.

With the general principle of placing immigrants under strict regulations Lord Grey fully agreed: he believed it to be in their own interest. But he thought that the Trinidad Ordinance would establish nothing less than slavery, in a modified and mitigated form. The labourer's motive to work would be the fear of punishment, the motive of the slave. Could he not be located in a village rather than on an estate? At any rate he should be at liberty to choose and to change his employer, and he should be more directly supervised by the Government.² Lord Harris was unrepentant. The ignorant African would be unable to understand these fine distinctions between being restricted to an estate and being restricted to a village, between being compelled to work for one employer and being compelled to make his choice of two or three.

'I was perfectly aware of the facility with which the term slavery might be applied to any plan of the kind; but I was contented to bear it, if I could only obtain a chance of making the immigrants men worthy of freedom, capable of supporting themselves and with some fixedness of character, not likely to become the dupes of every grog-shop keeper, and the tools of every cunning knave who finds it worth while to use them . . . It is very essential to prevent them from congregating together, in order to break their accustomed habits, to render it necessary for them to speak another language, and to enable them to follow the example of the other labourers on estates. Moreover they are certain of being well cared for; it is the planter's interest to do that, much more than it would be that of a Government subordinate.'³

Lord Grey was induced by the Governor's arguments to abandon the village plan, but on the other points he held his ground. After the first year, at least, the African would surely know how to distinguish between the good and the bad

¹ Harris to Grey (6 February 1849): *P.P.*, 1850, xl (H.C. 643), pp. 209 ff.

² Grey to Harris (28 April 1849): *P.P.*, 1849, xxxvii (H.C. 594), pp. 194-7.

³ Harris to Grey (5 September 1849): *P.P.*, 1850, xl (H.C. 643), pp. 218-20.

employer, and he ought to be allowed to take advantage of his knowledge. He might perhaps be allowed to leave his service then only on showing that he had contracted an engagement with another master: but later on all immigrants should have the option, as in Mauritius, of paying a tax instead of entering into an engagement. Also proprietors of estates on which immigrants were located should be required to provide for their attendance at schools on Saturdays and for their religious instruction.¹ It was along these lines that the Ordinances actually passed proceeded—though unfortunately the requirements as to the education of immigrants were soon lost sight of.

It was not however to Africans that the principles thus thrashed out were mainly applied. The passing of the mood of reaction against the 'cruiser system' which had swept over England in 1848-50 made more effective measures against the slave trade possible: Brazil was induced in 1850 to co-operate: and the influx of liberated Africans consequently diminished. The Kroo Coast was tried from time to time, but in vain. Madeira emigration to British Guiana recommenced in 1850: there was talk of getting immigrants from China, and by 1852 a scheme was actually in working order: there was also talk, with less result, of a large scale immigration from the United States. But once again it was to India above all that the planters' eyes were turning. Many of the captured Africans, it was said in Trinidad, had become squatters or mere idlers; but of the 5,300 coolies introduced, 3,700 were working on the estates in 1849—2,400 at least of them most diligent and useful labourers.² British Guiana shared this opinion as to the value of the coolies, and hoped indeed to induce many of them to commute their right to return passages and remain. Barkly indignantly denied the allegation of the Anti-Slavery Society that half of the immigrants had died. It was thought, indeed, that the permission to make contracts for three years, so long as they were not compulsory, and the cheapening of freights by the repeal of the navigation laws would make the new immigra-

¹ Grey to Harris (15 December 1849): *P.P.*, 1850, xl (H.C. 643), pp. 239-41: (16 January 1851): *P.P.*, 1852-3, lxxvii (H.C. 936), pp. 179-80.

² Petition to Council of Government (April 1849): CO 295/167: No. 3950.

tion more successful than the old.¹ Early in 1850 the Court of Policy requested that ten thousand coolies should be sent to British Guiana, and proposed to send an ex-planter, Mr. J. T. White, to Calcutta as Colonial Agent.² Taylor, Elliot, Hawes, and the Land and Emigration Commissioners all thought coolie emigration to the West Indies impossibly expensive: its renewal was due to the personal belief of Lord Grey that with proper superintendence and the Mauritius system of a stamp tax on indentures and a tax on immigrants not under indenture it might be of advantage.³ He warned the colonists not to look for perfection. 'It would be unreasonable to expect, and the Indian Government would be very wrong to permit, that in every instance the best and most able-bodied adult men should be picked out and carried away alone, leaving every weaker person, however closely connected with the others or necessarily dependent on them, to be a burden on the society from which they are taken.'⁴ After all, however, the great objection to the earlier immigrants had been the unsuitability of the Madrasis; and on this occasion the emigration was to be from Calcutta only. On 6 September 1850 Grey was able to announce to the Governors of British Guiana and Trinidad the reopening of Calcutta; and Mr. White was duly dispatched to that port. There were some preliminary difficulties. The Indian Government did not like the proposed tax on coolies not under contract. There were the competing attractions of Mauritius to be reckoned with, until the port was closed to Mauritius during the West Indian emigration season (1 September to 28 February). But in the course of 1851 the scheme was got well under way. Before long it had become part of the accepted order of things in Trinidad and Guiana that a thousand or two coolies should arrive each year. Lord Harris for one had no doubt as to the value of the system. 'After having watched the action and effect of immigration with great anxiety and care, and with no very favourable opinion of it at first,' he wrote, 'I have no hesitation in

¹ Barkly to Grey (18 April 1850): *P.P.*, 1851, xxxix (H.C. 624), pp. 87 ff.

² Barkly to Grey (2 February 1850): Enclosure: Bell and Morrell, op. cit., p. 440.

³ Minute (22 November 1849): CO 318/182: No. 9657.

⁴ Grey to Barkly (19 October 1850): *P.P.*, 1851, xxxix (H.C. 624), pp. 430-1.

saying that on it depends, under God, the welfare of the island.'¹

In this revival of coolie immigration Jamaica had no share. It alone seemed to be incapable of recovery. The guarantee Guiana and Trinidad were using to lay the foundation of a more prosperous future, Jamaica was anxious to use for the purpose of paying off its existing debt. That there was much to be said for using it for such a purpose Lord Grey admitted: but he was not prepared to trust the Assembly, enjoying as it did an unusual power of harassing and obstructing the Executive, to act in future with the moderation which alone would make the guarantee worth giving. In short he was prepared to consent to the idea only on condition of a complete reform of the financial system.² The Assembly clung to its time-honoured privileges, and refused Lord Grey's terms. The financial situation became still worse when cholera broke out in October 1850, causing twelve thousand deaths and an expenditure of £50,000 before the end of the year. Lord Grey urged the Assembly to revise the system of taxation, and to pay more attention to the health and education of the Creole negroes, and thereby to lay a firmer foundation for true prosperity: and if coolie immigration was too costly, it might be possible to get free negroes from the United States and Canada.³ The dispatch produced little effect. An Immigration Bill was hastily passed, but the Governor thought its provisions for three years' indentures, without money wages for the first year, and for repayment of the cost of passage, so unsatisfactory that he refused his assent. In the other reforms he found the planters took no interest: 'nor', he added, 'is it their opinion that the skill and intelligence of the labourers is of nearly so much importance as obedience and low wages'.⁴ The Government was entirely without influence in the Assembly, least of all in financial matters, and any advice was resented as a breach of privilege. Larger sugar crops and higher prices in 1851 produced

¹ Harris to Pakington (7 August 1852): Bell and Morrell, op. cit., pp. 442-4. There were, in all, 49,544 immigrants into British Guiana and 24,899 into Trinidad in the years 1840-52. Their populations in 1851 were 127,695 and 68,600 respectively.

² Earl Grey to Sir C. E. Grey (16 March 1850): CO 136/68.

³ Earl Grey to Sir C. E. Grey (15 February 1851): *P.P.*, 1852-3, lxxvii (H.C. 76), pp. 213-22.

⁴ Sir C. E. Grey to Earl Grey (16 August 1851): CO.

a temporary revival, but towards the end of the year prices dropped again and despondency returned.¹ Early in 1852 the Assembly petitioned the Queen, representing that the increased production of Cuba and Porto Rico and the rise of the beet sugar industry on the Continent of Europe were such that only relief from the duties on Jamaica produce—in short, protection—could prevent the wholesale abandonment of estates and withdrawal of capital.² Sir Charles Grey himself, the Bishop and clergy of the Established Church, the Chief Justice and judges, all expressed similar views. A delegation of planters went to England to see what could be got from the new Government;³ and returned with permission to extend the term of indentures to three years, but not much else. Unrestricted immigration from Africa was out of the question—it meant the buying of slaves and the stimulation of traffic in them or it meant nothing; protection through lowered duties was, as we shall see, refused by Disraeli himself. And there were on the part of the planters no promises of amendment in the corrupt, wasteful, and neglectful administration which in Taylor's opinion, as in Lord Grey's, was one of the main causes of their ruin.⁴ The Assembly indeed proceeded to vent its annoyance at the refusal of further relief in a new economy campaign and new struggles with the Governor—conducted with a feverish zeal which might much more profitably have been devoted to reform.

The picture that must be painted of Jamaica in 1852 is one of a decadent society. The negroes indeed worked well enough on their own provision-grounds, if not on the estates, and were not nearly so wretched as from their dirty, ragged clothes they seemed to be. Both they and the vivacious, capricious coloured race were showing themselves eager for consequence and power. The European Creoles, on the other hand, had lost both their money and their energy. Most of the sugar and coffee estates were held by

¹ In 1852 Jamaica exported 511,200 cwt., British Guiana 846,800 cwt., Barbados 743,000 cwt. Jamaica, in short, had begun to drop behind.

² Sir C. E. Grey to Earl Grey (1 March 1852): Enclosure: *P.P.*, 1852-3, lxvii (H.C. 76), pp. 135-7. The Cuban slave trade had not yet been suppressed.

³ Pakington, Grey's successor, had strongly advocated protection for sugar.

⁴ Minute (7 June 1852): CO 137/315: No. 4991.

absentee proprietors or by London firms that had made advances of capital upon them as security. Unless relief was given there was a real danger, Sir Charles Grey thought, that those of the whites who were able would retire and leave the island to the coloured people and the negroes, who were quite unfit as yet for the responsibility, or perhaps to the United States.¹ Lord Grey himself in his *Colonial Policy* took a very gloomy view.² In 1854 Barkly managed, in return for an Imperial guarantee of the island debt, to secure the long desired financial reform—Crown initiation of all money votes—and the representation of the Government by an 'Executive Committee' in the House of Assembly; and he reported that the transfer of the smaller properties to practical resident planters was bringing about an improvement in the sugar industry; but all his tact and skill could only produce a temporary change for the better. In 1865 racial feeling came to a head; the negroes broke out in rebellion; the planters in alarm agreed to surrender their political privileges; and the abolition of the Assembly cleared the way at last for the rebuilding of society.

As for the other West Indian colonies, conditions varied from island to island and from season to season, but none were in the parlous state of Jamaica. In some there were labour difficulties,³ in others droughts: in more than one there was a decided tendency for absentees to sell out to resident planters: but on the whole the crisis was definitely past. In Barbados the crops were more than half as large again as those before 1846 had been. 37,000 tons of sugar were shipped in 1852, and the amount kept on increasing year by year. It did not of course follow that prosperity had increased in the same proportion: it was by diminished overhead charges and attention to the quality of sugar that the Barbadian planter had secured himself against the disasters that had overtaken his fellows: but the good crops were at any rate a good sign. The Trinidad crop of 1851 was the

¹ Sir C. E. Grey to Earl Grey (31 December 1851): *P.P.*, 1852, xxxi (Cmd. 1539), pp. 25 ff.; to Pakington (26 June 1852): *P.P.*, 1852-3, lxvii (H.C. 76), pp. 155-62.

² *Op. cit.*, vol. i, p. 190.

³ A few hundred liberated Africans had been introduced into Grenada, St. Lucia, and St. Vincent, but in the main they, like the more densely populated islands of Barbados, Antigua, and St. Kitts, had to depend on the Creole negroes.

largest the island had ever known. The planters were still grumbling, but in fact the manufacture of sugar had greatly improved, costs had diminished, and a steady stream of coolies was coming in from India. The cocoa industry was also flourishing. The great majority of the negroes, indeed, were contributing little to the production of the colony beyond the food which they themselves consumed, and gave little assistance on the plantations except perhaps at crop-time;¹ but the large increase in freeholds showed that at least they were comfortable enough. Towards the end of 1850 British Guiana recovered from its drought, and for a time Barkly was able to say that prices were better than the most ardent protectionist in 1848 had contemplated as necessary for the continuance of cultivation.² They fell again in 1851, but Barkly still thought that proprietors were better off than for some years past, though some few estates had had to be abandoned.³ It is true that it was a new class that was reaping the chief benefit from this revival. A few of the old planters, with heavy mortgages and half-abandoned estates, still hung on, but their chances of survival were small. A new body of resident planters, generally with experience of management, had bought up properties cheap during the crisis: they were ready enough to make improvements, but were mostly men of very limited capital: but Barkly hoped that most of them would make good. Quite apart from them, however, there were the capitalists proper—men who were introducing ‘draining engines of great power, vacuum pans, centrifugal machines, and every description of machinery found to succeed in the beetroot factories of Belgium and France’. Low prices might delay the returns on their capital, but their success was assured; ‘they alone would suffice in the worst event to maintain British Guiana as a sugar-exporting country of the first class, and to absorb the labour thrown out of employment elsewhere’.⁴ Finally, Barkly himself by his tactful management had put an end to the rancorous party spirit and hostility towards the Imperial

¹ Harris to Pakington (7 August 1852): Bell and Morrell, op. cit., pp. 442–4.

² Barkly to Grey (25 January 1851): *P.P.*, 1851, xxxix (H.C. 624), pp. 240–1.

³ Barkly to Grey (28 December 1851) (Private): CO 111/284.

⁴ Barkly to Pakington (21 April 1852): Bell and Morrell, op. cit., pp. 441–2.

Government which had been such a hindrance to progress in the past. There was a long road to travel yet in the improvement of the negroes, and the sugar industry was almost wholly dependent on coolie labour; but for thirty years the colony was to enjoy, if not extravagant, at least moderate prosperity.

Mauritius was in a more fortunate position than any of the West Indian colonies. The negroes had either drifted into the towns or located themselves in straggling hamlets in the interior, where they subsisted in comfort on the produce of their provision grounds or of their poultry and stock, or perhaps as pedlars or traders in firewood and charcoal—a neglected, perhaps, but not an unhappy community. The coolies seemed satisfied with their wages, low though they were: many remained in the colony when their five years' 'industrial residence' were over, though as a rule they then betook themselves to allotments of their own or to employment in town. The planters, it is true, would never admit that immigration was proceeding satisfactorily. The stamp duty on engagements, taken off by Sir William Gomm, was reimposed, and the monthly tax on immigrants not under indenture continued to be levied—though, according to Governor Higginson, in a week a man could earn with ease the means of paying for two months' idleness.¹ What with these sources of revenue and the fall in freights, immigration was admittedly cheaper; but the planters wanted it made cheaper still by the discontinuance of the obligation to provide a free return passage for the coolies. Wages were low enough and the coolies docile enough in all conscience, but the planters wanted 'to diminish combination and increase emulation' by engaging labourers, under the supervision of a Government Agent, in any country where slavery did not exist.² It was indeed the fact that in 1852 only 41,000 out of 70,000 male immigrants were actually engaged in the cultivation of the cane—and not a few of the others were mere vagrants.³ But the expenses of cultivation and

¹ Higginson to Pakington (17 June 1852): CO 167/336.

² Anderson to Grey (15 February 1850): Enclosures: CO 167/319. Madagascar and some other places were actually tried.

³ Higginson to Grey (17 May 1852): CO 167/335.

manufacture had decreased, and the sugar crops were as large as they had ever been: and in 1852 some twelve thousand coolies arrived—this despite complaints of West Indian competition. In October 1851, after a tour of the colony, Higginson wrote most hopefully of the improvements in manufacture, ‘the luxuriant canes covering lands redeemed within a few years from the forest or the rock’, and above all the spirit of self-reliance and confidence that he found.¹ Just at this time the gold discoveries in Australia developed the Australian market; and there also came to be an important market in India. Mauritius knew that it could hold its own as a sugar colony in the markets of the world, and indeed the years after 1852 were years of expansion.

It is hardly surprising that Disraeli in December 1852 refused the colonial demand that protection be continued ‘until the British colonies are in a position to compete on equal terms with foreign countries’. It may have been misleading to speak as he did of the colonial sugar industry as ‘commanding the metropolitan market’: within a few years Great Britain was consuming as much foreign as colonial sugar. But this was not due to a decline in colonial production: the colonies were holding their own with the slave labour of Cuba and Porto Rico, and continued to do so until in the last decades of the century the beetroot began to oust the cane altogether from the British market. The West India Committee itself, though denying that command of the home market meant prosperity, could not deny that the guaranteed loan had been a boon; that the slave trade had at least been checked; and that the new laws for regulating the employment of immigrants introduced at the public expense had had a ‘very beneficial influence upon labour’.²

To say that free trade ruined the West Indies—and it has been said more than once—is a very misleading account of the facts. The history of the islands had been marked by many ups and downs of fortune: the great days of Barbados had come first, then those of Jamaica: then, until the French Revolution, the French island of St. Domingo had overshadowed them both: then, within the framework of the

¹ Higginson to Grey (14 October 1851): *P.P.*, 1852, xxxi (H.C. 110).

² Memorial to the Earl of Aberdeen (25 February 1853): CO 318/201.

colonial system itself, the older islands had felt the competition of Trinidad and British Guiana, and later of Mauritius: now the turn of Cuba had come. It was an inevitable process: the issue of free labour versus slave labour was a false issue, for it was not slavery but good virgin soil and modern machinery that made Cuba rich. It may be said by some that a wise Imperial policy would none the less have sheltered the British colonies from the full force of Cuban competition: but the question is whether without the Sugar Duties Act of 1846 the planters could have been brought to realize, what it was essential for them to realize, that slavery required one system of cultivation and freedom another. A reforming Governor like Elgin was able to do something, but if there was one thing certain it was that not all colonial governors would be Elgins. It can hardly be doubted that under the stress of competition with the world the essential lesson would be more quickly learnt. To many planters, indeed, free trade did mean ruin: but West India business had always been so speculative, West India estates had always been so heavily mortgaged, that the transition from one economy to another was certain to be an extremely painful process. The new proprietors, practical planters and substantial capitalists alike, were men better fitted than the former slave owners, who belonged in spirit to an earlier century, to introduce the improvements in agriculture and in machinery so characteristic of the new age. The old slaveowners were also slow to appreciate the meaning of economy of labour. By their own folly at the time of emancipation they lost their best chance of keeping the negroes on the estates; and they never rid themselves of the habit of looking far more to laws and regulations than to persuasion and education. Wholesale immigration was their new specific, but when immigrants did come the feverish competition for their services was apt to nullify the advantages that immigration had been meant to bring. It was surely desirable that the era of 'brute labour' should be brought to an end, even at the cost of some personal hardship. These ideas, it is true, were a long time dying: but slavery and the old colonial system had been so inseparably connected in the West Indies that the lessons of the abolition of slavery would

not be learnt until the old colonial system also had been swept away.

The problems of adaptation varied of course from colony to colony. Barbados and the Leeward Islands had things made easy for them by the density of their population, Trinidad and British Guiana by the fertility of their undeveloped land. Other colonies, Jamaica in particular, had the labour problems of Trinidad and Guiana but had not, for various reasons, the same resources wherewith to meet them. And one effect of protection and slave labour had been to turn the whole West Indies, with all their diversities, into one vast sugar estate—an interesting commentary upon the accusation sometimes heard that free trade is inimical to balanced development. There had been a time when indigo and cocoa had been cultivated with success in Jamaica, but their cultivation had been discouraged; any chance that cotton might become an important West Indian export was destroyed by the vast expansion of American production after 1793; coffee was for a time important, but the industry steadily declined when Ceylon coffee began to come on the market. Under free trade Barbados, the Leeward Islands, British Guiana, Mauritius, and for a time St. Lucia and St. Vincent, kept to sugar; Trinidad developed cocoa alongside of sugar; Grenada gradually turned over to cocoa, and Dominica to cocoa and other products—in the end to limes. In the case of Jamaica ‘it was not nature, but man that tied it down to a single industry’:¹ whilst the best sugar and coffee estates maintained their ground, other products rose into importance until eventually the chief product came to be fruit. True, the dependence on the single industry of sugar was still too great in the West Indies; products suitable to peasant cultivation were too much neglected; the adaptation to new products was not always wisely made.² It is significant, however, that these facts were not fully appreciated until nearly fifty years later a second crisis came to repeat the painful educative process of the first.

And ‘free trade’ was by no means the sum of Lord Grey’s ideas on West Indian policy. He believed indeed that it

¹ *Historical Geography of the British Colonies*, vol. ii (second edition), p. 127.

² Report of West Indies Royal Commission: *P.P.*, 1898, l.

would ultimately work out to the advantage of the West Indies and Mauritius; and those who believe that it did not, and who do not accept the line of reasoning developed above, must reckon with the fact that free trade in sugar as in other things must certainly have been tried, in deference to public opinion in England, by some one else if not by him. In itself it was not a one-sided bargain. The repeal of the Possessions Act enabled the colonies to remove the protection given in their markets to English goods; the repeal of the Navigation Laws cheapened the transport both of their products and of their immigrants; and restrictions upon the admission of some of their products into England were abandoned. Lord Grey's policy, however, was much more than a mere declaration of faith in the principles of *laissez faire*. He realized that the British nation had abolished slavery without full knowledge of what it was doing, without knowing or indeed caring what effects abolition would have upon the economic structure of the sugar colonies. He appreciated the gravity of the labour problem, and one of his great aims was to improve the planters' command of labour. In so far as he sought to do this by bringing the negroes back to the estates, he must be said to have failed. But it was a failure which did him credit. Labour for wages was not in his eyes the Alpha and Omega of the negro's existence. 'Indeed,' he wrote on one occasion, 'the mode of carrying on sugar cultivation which I think will ultimately be established will be the hiring of small farms by negroes who would at crop time sell their canes to mill-owners.'¹ And many of the items of his negro policy—cheap food and cheap manufactured articles, education, religious instruction, medical attendance, local government—he valued for their own sakes and not merely as aids to the solution of the labour problem. No doubt his policy went beyond the limits of the possible and his hopes were pitched too high. The missionaries had regarded colour as a thing of no significance and had applied with more zeal than understanding the noble idea of the brotherhood of man. Grey differed from them profoundly, but rather in his view of human nature in general than in his view of the negro in particular. He believed that

¹ Minute (6 April 1850): CO 111/272: No. 2373.

civilization was based upon hard work at least as much as upon psalm-singing or even brotherly love: but he was inclined to treat the negro as if he were different only in colour and in education from the labourer on his Northumberland estate. He did realize, indeed, that like a child the negro needed guidance, but he did not realize the full meaning of difference of race, nor the width of the gulf that separated the negro from a civilization like that of Europe. Yet his ideas had not to be jettisoned, but rather to be developed, added to, modified in details. He was well served, of course, by Barkly and Lord Harris; but from the first he had firmly implanted in his mind the fruitful principle that the welfare of the emancipated slave must not be left solely to time and the missionary societies, but must be actively promoted by the Imperial Government.

Nor was Lord Grey so wrapped up in his negro policy as to be blind to the possibilities of immigration. He left immigration into the West Indies and Mauritius cheaper, more systematic, and better regulated than he found it. Against the demand for longer indentures he fought a losing battle; but time has vindicated in striking fashion his idea that the coolies should be treated as potential settlers and left a reasonable measure of freedom.

If Lord Grey looked back, in the later years of his long life, he might well have been confirmed in his belief that mistakes had been made at the time of emancipation, but he could have found little to regret in his efforts to retrieve those mistakes and to find a place for the West Indies in the new imperialism. They no longer play their old part in world economy. With the new diversity of tropical products in the world to-day, the vast expansion in the development of the tropics, this was inevitable. It was necessary for the West Indies to rebuild their economic system on a less splendid, though sounder, foundation than before. Lord Grey was the first Secretary of State to believe, and to tell them, that, though the days of their pre-eminence were past, they had no reason for despair if once they faced the facts.

XII

PROGRESS AND REACTION IN SOUTH AFRICA

THE advent of Lord Grey found South African policy in the melting-pot of war. The eastern border treaties were an admitted failure: what was to be put in their place? Whatever embarrassment and expense it might seem to involve, said Governor Sir Peregrine Maitland, there must be some extension of British sovereignty. The war was being waged for the security of the frontier. The most generous treatment of the Kaffirs had failed to stop their cattle-thefts, and so long as they had the jungles of the Fish River to screen them and the Amatola fastnesses to take refuge in, it would be useless to give them a second chance. They must be kept beyond the Keiskamma, and the intervening lands occupied not by Europeans but by coloured races which could be trusted not to sympathize with the hostile tribes; and beyond this buffer region some sort of control should be exercised over the Kaffir country right up to the Kei.¹ In October he replied to peace moves on the part of the chiefs by demanding not only the surrender of their firearms and the restoration of their booty, but their retirement to such lands, away from the immediate border, as might be assigned to them under British rule or supervision: if they would retire beyond the Kei they might remain independent, but not otherwise.² The Gaikas professed their willingness to accept these terms, and the Governor proposed that the territory between the Keiskamma and the Kei should be ruled not through the chiefs but through a Commissioner with magisterial powers, assisted by native headmen in each kraal and district headmen of a superior kind, including possibly some of the former chiefs.³

Grey had meanwhile been coming to very similar conclusions, though he chose a new Governor, Sir Henry Pottinger, to carry out his policy. The simultaneous

¹ Maitland to Gladstone (18 September 1846): *P.P.*, 1847, xxxvi (Cmd. 786), pp. 157-8.

² Maitland to Grey (14 October 1846): *ibid.*, pp. 182-4.

³ Maitland to Grey (26 November 1846): *ibid.*, pp. 195-6.

appointment of Pottinger as High Commissioner for the settlement of frontier affairs was an indication that, disinclined as Grey might be to incurring the expense and responsibility of extending the British dominions in South Africa, he yet felt that responsibility for what happened on and beyond the frontier could not be shirked.

'Sound policy, and an enlightened regard for the real welfare of our uncivilized neighbours, not less than for the welfare of the colonists, require that the Kaffir tribes should be no longer left in possession of the independence they have so long enjoyed and abused.'

The Kaffirs west of the Keiskamma should accordingly be required to surrender both their independence and their territory; and, although actual annexation might be undesirable because it would probably involve the introduction of English law, 'British authority should be established in at least a part of Kafraria'. The chiefs and tribes should be required to acknowledge the Queen as the protector of their nation. There should be a British Commandant, and a few key positions should be held by British or colonial troops; but in the main the inhabitants should furnish the means, both pecuniary and military, for carrying on the government. The more trustworthy chiefs should be employed as subordinate commandants, and in return should be paid small stipends and given some titular and ornamental distinctions. A Kaffir force should be enrolled under European officers, on the Indian model, and employed in the western districts of the Cape Colony 'as real though unavowed hostages for the tranquility of their kindred and connections'. At the same time schemes of religious, moral, and technical education should be devised in concert with the missionaries; and the Kaffirs would be given a stimulus to industry by being called upon to provide for the cost of their own government.¹ Control, in short, was to be a means to civilization.

Pottinger and Sir George Berkeley, who went out to command the troops, found that Maitland's announcement of the conclusion of the war was premature: the chiefs had merely wished for a truce to sow their crops. But by the end of 1847 Gaikas, Galekas, and Gunukwebes had successively

¹ Grey to Pottinger (2 November 1846): Bell and Morrell, *op. cit.*, pp. 502-6.

been harried into submission. At that point Pottinger, who had frankly regarded the Cape as merely a halfway house to promotion in India, left for Madras, and the task of settling the frontier fell to his successor, Sir Harry Smith. As the chief lieutenant of D'Urban, Smith was the natural instrument for what was after all a return, in essentials, to the D'Urban policy of September 1835; and he was by nature also inclined to broad views, swift decisions, and resounding strokes of policy. He at once extended the colonial boundary to the Keiskamma and the Tyumie, and announced that the region between the Keiskamma and the Kei was to be held as 'British Kaffraria' by the Kaffir chiefs and people under the sovereignty of the Queen. Of this territory the High Commissioner was to be 'Great Chief', Lieutenant-Colonel Mackinnon Commandant and Chief Commissioner. An Assistant Commissioner was appointed for each tribe. Traders were to be allowed only at the seat of a Commissioner or at mission stations: the sale of munitions and spirituous liquors was prohibited: and order was in general to be kept by the Kaffir police, which had already been established by Pottinger, military being employed only on the written authority of the Chief Commissioner.¹ On 7 January 1848 Sir Harry Smith held a great meeting with the chiefs at King Williams Town and assumed with much ceremony his office as 'Inkosi Inkulu'. The chiefs promised to listen to the missionaries and make their people do so, and to put an end to witchcraft and certain other practices. West of the Keiskamma there were to be locations of Fingoes and Hottentots and 'military villages', but there would also be room for ordinary European farms. Thus the frontier farmers were to have at once more land and more security. All was to be for the best in the best of all possible worlds.

Lord Grey had confidence in Sir Harry Smith's experience and vision and, with the warning that the Mother Country must not be expected to pay for a new war, approved of his arrangements.² Public opinion at home seems to have shared his confidence, for a definite reaction had set in

¹ Smith to Grey (18 and 23 December 1847, 4 January 1848) and Enclosures: *P.P.*, 1847-8, xliii (Cmd. 969), pp. 22, 26-8, 40-1. 'East London' was annexed to the colony proper.

² Grey to Smith (31 March 1848): *ibid.*, p. 30.

against the Exeter Hall view of the noble savage, with *The Times* in the van.

'That British life and property should be, in South Africa as everywhere else, secure against any possible hostile excursion under any pretext, is a proposition infinitely more indisputable than any principle which has yet been introduced into the discussion.'¹

There was a middle course between confiscating the territory of the Kaffirs on the one hand and negotiating treaties with them as with an independent and responsible power on the other, and this course had the sovereign merit of being the cheapest.

'A fortieth part of the money which has been sunk in an irksome war will suffice for the administration of the borders in such a spirit as must preclude any troubles for the future, and in good time the civilized Kaffre may abundantly indemnify his benefactors for the advantages he has received.'²

Soon accounts of the working of the new policy were coming to hand, and all was *couleur de rose*. In the new Division of Victoria the location of the Fingoes and Tambookies and Hottentots, and the collection of their quit-rents, were succeeding beyond Sir Harry Smith's most sanguine expectations; the military villages were going on remarkably well. In Kaffraria the police were working well; fines were being levied for depredations; the missions had been re-established and a school system was in contemplation; witchcraft was being overcome; cultivation was making progress; the minds of all were 'bent upon peace and all the blessings it induces'.³ Sir Harry Smith cheerfully complied with Lord Grey's request and sent a battalion home to England. The eastern frontier problem seemed to have been solved.

And Sir Harry Smith had realized that to solve the eastern frontier problem alone was not sufficient, and that lines drawn on a map did not make a frontier in South Africa. In extending the frontier to the Keiskamma and the Tyumie he extended it to the Klaas Smit and the Kraai and the Orange River also; and then he rode north beyond the

¹ *The Times*, 6 September 1847.

² *Ibid.*, 1 March 1848.

³ Smith to Grey (12 January 1849): *P.P.*, 1849, xxxvi (Cmd. 1056), p. 35; (23 August 1849): *P.P.*, 1850, xxxviii (Cmd. 1288), pp. 17-18.

Orange River. He found there enough to convince him, if he was not convinced already, that Maitland's compromise policy could not meet the case. Maitland himself had sent a hopeful report in July 1846. A disturbance on the part of the Boers, far from causing a regular campaign as in 1845, had been quelled at once by the British Resident with a single troop of the Hottentot Corps. His belief was that the knot of disaffected Boers at Winburg and along the Modder would see the hopelessness of resistance, and break up.¹ But he had overlooked some awkward facts. There were reports—containing a substantial measure of truth²—of slaveholding among the emigrants at Andries Ohrigstad. This might be far away in the north-east, but the incident seemed to raise the general question whether 'this tendency of the white population to escape from the restraints of government, and to diffuse themselves over the interior of Africa, abusing the power their superior intelligence gives them to oppress the native inhabitants' must not be checked somehow. Might not the protection of the British Crown, Lord Grey suggested, be given to all chiefs who might apply for it, and assistance afforded them in defending their lands against Boer encroachments?³ There was Moshesh, with his unsigned treaty and his unsettled frontiers, stubbornly determined to fight—if possible not by open violence—for every acre of his land. There were the friendly Boers of the Griqua 'European zone', who petitioned that they might 'no longer be merely nominally British subjects but also be treated and protected as such'; they would much rather pay the British Government than the Griquas for their land, to which they did not admit the Griqua claim.⁴ There was no lack of arguments for an extension of British sovereignty.

Sir Harry Smith knew another frontier besides the South African—the Indian. He knew that most Governors-General—'especially', as he naïvely explained, 'the men of more gifted talents'—were obliged to assume new responsibilities despite exhortations from home to do the opposite. He cast

¹ Maitland to Gladstone (30 July 1846): CO 48/262.

² Agar Hamilton, *The Native Policy of the Voortrekkers*, pp. 192–3.

³ Grey to Pottinger (4 December 1846): *P.P.*, 1847–8, xlii (Cmd. 980), pp. 95–6.

⁴ Memorial of 96 Emigrant Farmers in Pottinger to Grey (11 September 1847): CO 48/275.

all doubt to the winds. He interviewed Adam Kok: the Griqua chief agreed to accept an annuity of £200 for himself and £100 for his people in return for a cession of all claim to jurisdiction outside his Griqua reserve, or to the quit-rents from the European lands. He interviewed Moshesh and induced him to recognize the paramount authority of the Queen. He interviewed many of the farmers: they gave him an enthusiastic reception: they told him that without annexation they must eventually fall back into barbarism: he sympathized with their hankering for security. Sir P. Maitland's measures implied British sovereignty: let it be made explicit. On 3 February 1848, having passed right through the Orange River territory and reached the borders of Natal, Sir Harry proclaimed British sovereignty as far as the River Vaal and the Drakensberg. The chiefs, he explained to Lord Grey, would benefit as well as the farmers, for he proposed to recognize their authority over their tribes, to protect them against aggression, and to exercise restraint upon them only in inter-tribal disputes and matters affecting the 'general peace and harmony of South Africa'. The cost of government, and of churches and schools, might be met out of quit-rents and trading licences; and every able-bodied man should be liable to serve when called upon.¹

It was a bold measure: Montagu with his conservative ideas and Pottinger, with memories perhaps of Afghanistan, apparently disapproved of it.² In the Colonial Office itself Merivale and Hawes thought it would simply mean increased expenditure without increased security.³ But it appealed to Lord Grey. Annexation in itself was no doubt an evil; but it was the only alternative to anarchy and bloodshed outside the colonial borders, which must have meant disorder and constant insecurity within them; it was implied by what had been done by Sir P. Maitland;⁴ and in its form it would

¹ Smith to Grey (3 February 1848) and Enclosures: *P.P.*, 1847-8, xliii (Cmd. 969), pp. 60-4. For the dispatch see also Bell and Morrell, *op. cit.*, pp. 506-10.

² Pottinger to Grey (22 November 1848): *Howick Papers*. Pottinger refers to a letter of Montagu (who had doubtless been the brain behind the Maitland policy).

³ Minutes (May 1848): CO 48/284: No. 964.

⁴ Note on the other hand Major Hogge's regret, in 1852, that Maitland's arrangement had been disturbed: 'it implied much and compromised little: *omne ignotum pro magnifico*': Hogge to Grey (26 March 1852): CO 48/333.

merely regularize and strengthen the system of government which had already grown up of itself. Grey noted with approval that Boers and natives alike would be left in general to manage their own concerns and provide for their own defence and government.¹ He accordingly gave his provisional sanction to the proclamation, though certain legal difficulties remained to be cleared up.² Meanwhile Sir Harry Smith was rounding off his work. A series of meetings were held by farmers opposed to the annexation. In July Pretorius advanced over the Vaal and forced the British Resident to capitulate at Bloemfontein. Sir Harry Smith at first merely thought it necessary to explain and defend his proclamation by another, but he was forced to back up his words by deeds. 'I apprehend', he wrote with characteristic confidence, 'that this outbreak will fall of itself to the ground as soon as Pretorius hears of his own value in my estimation and of my approach with troops.'³ The outbreak did not merely fall to the ground, but Sir Harry was as good a fighter as he was a talker, and the severe skirmish of Boomplaats on the 29th of August settled the argument. The cost of the rebellion was levied from the territory by fines and confiscations of rebel property: the most violent opponents of British authority retired over the Vaal: and though Sir Harry thought it prudent to prohibit public meetings for the present he averred that nine men out of ten were loyal. At last, so it seemed, the policy of following up the Trek had been crowned with success.

With the return of peace and quiet on the eastern frontier and, at least comparatively speaking, in Transorangia, the Cape Government was free to devote its main attention to the internal problems of the colony. In particular, Lord Grey in his instructions to Sir Henry Pottinger had reopened the constitutional question, closed for the time being by Lord Stanley's discouraging dispatch of 1842. 'Her Majesty's Government', said the new Secretary of State, 'entertain the strongest prepossessions in favour of that system of colonial polity, and will be prompt to avail themselves of any opportunity of extending it to the British settlements in

¹ Minute (2 June 1848): Bell and Morrell, *op. cit.*, pp. 510-11.

² Grey to Smith (21 June 1848): *P.P.*, 1847-8, xliii (Cmd. 969), pp. 67-8.

³ Smith to Grey (26 July 1848): *P.P.*, 1849, xxxvi (Cmd. 1059), pp. 12-13.

South Africa.' The Government were willing to take risks rather than deny the colony representative government.¹ In July 1848 the Governor forwarded his report upon the question, based upon separate reports from the members of the Executive Council and the Judges of the Supreme Court. They all agreed that the existing Legislative Council carried little weight, and that the time had come for a representative assembly. 'It is', said Porter, the Attorney-General, 'an experiment, and one which none but a very silly or a very sanguine man can contemplate without anxiety . . . But . . . it appears to me that in the natural course of things it cannot be very long postponed.' They minimized Lord Stanley's specific objections. The fear of Capetown domination certainly existed in the east, where the 1820 settlers and their descendants had their own traditions and their special frontier preoccupations: separation had been more than once talked of, and the Kaffir war revived the demand for it: Sir H. E. F. Young, who had succeeded Hare as Lieutenant-Governor but was like Pottinger a bird of passage, was in favour of a change, but seemed to prefer the shifting of the seat of government to Uitenhage.² But Sir Harry Smith was a convinced opponent of separation, and his officials considered Capetown domination a mere bogey. Journeys that were possible for ministers and elders of the Dutch Reformed Church, said Montagu, were possible for members of Parliament. The danger of racial discord between Dutch and English was small. To quote Montagu:

'With the exception of the law of inheritance and succession . . . to which the Dutch are exceedingly attached and the English equally averse, there is not a single subject within the legitimate province of legislative interference, on which national prejudices or the conflicting interests of race are likely to be engendered.'

The danger that representative government would lead to oppression of the coloured races had been much exaggerated, and municipal institutions had certainly not

¹ Grey to Pottinger (2 November 1846): Bell and Morrell, *op. cit.*, pp. 91-2. For Stanley's dispatch, see above, p. 132, and Bell and Morrell, pp. 47-53.

² Young to Pottinger (14 October 1847): CO 48/277. Young was transferred soon afterwards to South Australia as Lieutenant-Governor, and no successor was appointed for the Eastern Districts.

worked in this way. It was important, however, that the franchise should be within reach of the more intelligent and industrious men of colour.

When the reports passed from principles to details, divergences of course appeared. The weight of opinion was in favour of an Upper Chamber of life nominees and an elective Assembly, though Mr. Justice Menzies inclined rather to a mixed chamber on the New South Wales pattern. There was no support for responsible government, but the liberal Porter and the conservative Montagu agreed that the Government should be given spokesmen in the Assembly. Porter suggested that officials might be eligible for seats, Montagu that there might be honorary members of the Executive Council, chosen from the Assembly. On the necessity of reserving a civil list there was general agreement.¹

These papers convinced Lord Grey that the Cape must be given representative government: and if an additional argument was required it was provided by the fact that Sir Harry Smith found it necessary to allay public excitement by announcing that he had reported in that sense. But in what form should it be conceded? It was more than a mere question of detail.

'It certainly does not seem to me to be safe as regards the interest either of the Mother Country or of some classes of the colonists that we should at once substitute for the practical despotism which has hitherto existed, the unchecked ascendancy of democratic power.'

Yet in Grey's view there was little use in relying upon Crown nominees or other contrivances to give the Government power and influence in the Legislature and check the democratic body. It would be better, if possible, to limit its financial control, for the real check upon the House of Commons in the earlier stages of its history had lain in the possession by the sovereign of a permanent revenue equal to the expenditure in normal times. Might it not be provided by Parliament that all existing taxes should continue to be levied until repealed by colonial laws, which would of course

¹ Smith to Grey (29 July 1848) and Enclosures: *P.P.*, 1850, xxxviii (Cmd. 1137), pp. 3-39. Extracts from Montagu's report are printed in Bell and Morrell, *op. cit.*, pp. 108-13.

require the royal assent, and should be applied to the same general objects as at present, until some other arrangement should be similarly sanctioned by colonial Act? Thus the natural expansion of colonial society would bring the Assembly gradually expanding powers.¹ But if the colonial officials had convinced Lord Grey that the principle must be accepted, Stephen convinced him that it must be accepted in all its fullness, despite its difficulties and dangers. There was, he thought, no real analogy with the historical development to which Lord Grey referred—‘no prestige of illustrious names, no reaction against recent passions, and no terror of impending evils’—and the experiment would produce a clamour which the Colonial Office could not hope to resist. The temper of the times was overwhelmingly in favour of colonial self-government, and the only possible course was to bow to the inevitable.² Accordingly in his reply to Sir Harry Smith, whilst advising that the formidable difficulty of distance should be lessened by confining the business of the Assembly for the present to subjects of the most general importance and leaving much to local bodies, Lord Grey said nothing of his meditated restriction on the power of the Assembly and expressed his general concurrence with the views of the men on the spot.³

The question of the form of constitution, however, was not yet fully answered. Grey decided as in the case of the Australian constitutions to take the advice of a committee of the Privy Council.⁴ This time Stephen took no part in the discussions, but merely saw the draft report, and, throughout, Grey himself was the guiding spirit. The most striking departure from the recommendations of the colonial officials, which were in general reaffirmed, was in regard to the second chamber. Grey had no belief in the system of nomination by the Crown. What good had it done in North America? In what respect would an Upper Chamber of nominees differ from the admittedly inadequate Legislative Council now in being at the Cape? He wished to have an Upper Chamber

¹ Minute (4 November 1848): CO 48/289: No. 1959.

² Memo. (December 1848?): Bell and Morrell, *op. cit.*, pp. 116–18. Stephen was no longer in the Colonial Office, but Grey had asked his advice.

³ Grey to Smith (12 February 1849): *P.P.*, 1850, xxxviii (Cmd. 1137), pp. 98–100.

⁴ See above, p. 205, and below, pp. 367 ff.

elected for life. But he could not carry his colleagues with him in this attempt to form a body that would be really independent of both Crown and people. Labouchere thought the hope visionary.¹ Russell thought it might be dangerous, and suggested election on a high franchise for seven or ten years.² Reluctantly Grey yielded. The Committee reported in favour of election of the upper house for ten years—half retiring every five—either on a higher franchise than the Assembly or, better, by justices of the peace, field cornets, municipal officers, and other persons filling situations of trust and responsibility. The Governor should have power to dissolve both houses simultaneously in the event of an irreconcilable difference of opinion. There was also the question of the representation of the Government in the Assembly. Responsible government the Committee thought unfitted for a colony like the Cape, where there had not been sufficient progress in wealth and population to produce a considerable leisured class. 'I have little doubt', wrote Grey some time afterwards, 'that at no very distant period this system of government may with advantage be adopted at the Cape of Good Hope, but its introduction would be premature until the constitution to be now granted to the colony has been fully tried, and its operation, and adaptation to the wants of the people, ascertained.' The problems of the Cape were, besides, more complicated than those of Canada.³ But there was doubtless much to be said providing the Assembly in the meantime with official information and assistance. The principal officers, the Committee suggested, might be allowed a voice, without a vote, in either House, so that they might explain the measures of the Government.⁴ It would further be necessary to strengthen the hands of the executive by a civil list covering the establishments required for the preservation of order and the spread of civilization among the border tribes. Quite apart from the fact that

¹ Labouchere to Grey (23 December 1849): *Howick Papers*.

² Russell to Grey (7 December 1849): *ibid*.

³ Grey to Smith (draft dispatch—cancelled 20 January 1851): CO 48/308: No. 9957.

⁴ This was another compromise between the views of Grey and Russell: Grey feared that these officers might tend to become in practice more powerful than the Governor. Memo. (10 December 1849): *Howick Papers*.

they contributed to the colonial revenue, they were an Imperial responsibility.

'My conviction', wrote Lord Grey, 'is that to throw away all control over the colonists (which giving up the power of the purse altogether virtually would be) must in two years throw the whole colony into confusion, and he would be a bold man who would undertake so to administer it . . . I believe that the English constitution under Elizabeth is a far better model than the same constitution under Queen Victoria for the first establishment of representative government in such a colony as the Cape.'¹

The Committee concluded its report by recommending that local ordinances, made subject not only to confirmation but also to amendment if necessary by the Queen in Council, should be passed to regulate the details; and that the Governor should then be authorized by Letters Patent to bring the new constitution into operation.² But in fact the Cape had some years yet to wait. The hope of a smooth and speedy working of the local machinery was destroyed by the anti-convict agitation.³ Sir Harry Smith, perhaps for the first time in his life, had lost his popularity: the colonists were in an uncompromising mood: and the Legislative Council had virtually ceased to exist. Sir Harry hit upon the idea of holding an unofficial poll through the machinery of the municipalities and road boards, and in August 1850 offered seats on the Council to Sir Andries Stockenstrom and Messrs. C. J. Brand, F. W. Reitz, and J. Fairbairn, the first four on the resulting list, and also to Mr. R. Godlonton, who with Mr. Cock, the only surviving unofficial member, was to represent the East. But this expedient did not meet with the success it deserved. The four popular leaders objected to Mr. Godlonton: they wished to consider no other business but the constitution: and when it became clear that they were not going to get their way in everything, they resigned their seats. Sir Harry Smith thought it useless to attempt to fill the vacancies. He appointed the remaining seven councillors a commission to report upon the constitution; and the four dissidents, associating with themselves

¹ Grey to Labouchere (2 January 1850): *Howick Papers*.

² Grey to Smith (31 January 1850): Enclosure: *P.P.*, 1850, xxxviii (Cmd. 1137), pp. 101-8.

³ See below, pp. 403-6.

Mr. Wicht, who had been next on the poll, proceeded at the suggestion of the Cape municipality to draft a constitution of their own. By October, both drafts were ready; and soon afterwards Stockenstrom and Fairbairn left for England to urge the views of the opposition.

Those Irish convicts had indeed led Lord Grey into a maze of difficulties! Instead of an agreed constitution, there was a whole series of unreconciled differences. The opposition suggested an Upper Chamber elected for four years by the whole colony voting as one constituency: Sir Harry himself, Montagu, and Rivers (the Colonial Treasurer), were unrepentant supporters of nomination, all the more so now that the anti-convict agitation had intensified racial feeling and undermined the optimism of 1848: Porter proposed the election of eight members of Council by the Western Districts as a whole and of seven by the Eastern.¹ The Privy Council plan of admitting officials to debate was favoured by the dissidents, but disliked by Sir Harry Smith and the officials themselves. An additional complication, and not the least serious, lay in the fact that the Eastern Districts members, Godlonton and Cock, reported definitely in favour of the separation of east and west.² Lord Grey approved neither of the attitude of the dissident members nor of the proceedings of Sir Harry Smith since their resignation; but the reports of the rival sets of constitution-makers were before him, and he had to take some action on them. He prepared a dispatch defending the proposal with regard to official representation, explaining why he did not yet feel able to grant responsible government, and in principle accepting separation: the formation of a group of colonies—the Cape itself, the Eastern Districts, British Kaffraria, the Orange River Sovereignty, Natal—with free trade, a common currency and financial system, and a general Court of Appeal, seemed to him a natural development.³ But the dispatch

¹ The Commission proposed election for ten years on a high franchise, each constituency being given one vote, but the real divergence of opinion among its members lessened a good deal the value of the recommendation.

² Smith to Grey (2 and 4 October 1850, 21 January 1851) and Enclosures: *P.P.*, 1851, xxxvii (Cmd. 1362), pp. 90-1, 96, 132-87.

³ Grey to Smith (cancelled draft): CO 48/308. There had been a suggestion of a federal tie between the Eastern Districts, the Sovereignty, and Natal in an Eastern petition of 1849: Smith to Grey (9 July 1849): Enclosure: CO 48/297.

was never sent. Russell thought the allusion to responsible government unnecessary¹ and apparently disapproved of separation, for what is suggested in the dispatch of 5 March 1851 is the removal of the seat of government to Grahamstown.² Then, when everything was still unsettled, came yet another unsettling factor. War broke out on the eastern border.

In October 1850 Sir Harry Smith reported a certain restlessness in British Kaffraria. It was due, he said, to the prolonged drought and to the activities of a certain 'rain-maker', Umlanjeni; but he attached no importance to it. 'Besides, what are the Kaffirs to effect, posted as we are in the midst of them?'³ Mr. Fynn, the Resident with Kreli beyond the frontier, thought indeed that the chiefs were dissatisfied with the loss of their power and revenue and were ready to make use of Umlanjeni and his prophecies for their own ends;⁴ but Sir Harry Smith, Colonel Mackinnon, and his other subordinates all believed that the tribes preferred the mild and equitable rule of Government Commissioners to the tyranny of their former rulers and would refuse to follow their chiefs into rebellion.⁵ The chiefs neglected Sir Harry's invitation to a conference at King William's Town, and he replied by deposing Sandilli and appointing Mr. C. Brownlee, the Resident, chief of the Gaikas in his stead.⁶ He then returned to Capetown. Early in December he had to go east again: Mackinnon reported that the war party must be overawed by an overwhelming display of force. Optimistic to the last, Sir Harry nevertheless found himself obliged on 26 December to report a general rising, the defection of the much-lauded Kaffir police, and the proclamation of martial law in the frontier districts. He himself was shut up in Fort Cox for several days. The 'military villages' on the Tyumie were wiped out by a surprise attack. Early in February 1851 the Hottentot settlement at the Kat

¹ Russell to Grey (12 January 1851): *Howick Papers*.

² Grey to Smith (5 March 1851): CO 49/45.

³ Smith to Grey (14 October 1850) (Private): Enclosure: *P.P.*, 1851, xxxviii (Cmd. 1334), pp. 26-8.

⁴ Smith to Grey (14 October 1850): Enclosure: *ibid.*, pp. 18-19.

⁵ Smith to Grey (31 October 1850): *ibid.*, pp. 38-45.

⁶ Later he appointed Sutu, Sandilli's mother, in place of Mr. Brownlee.

River, founded in 1829 to strengthen the colonial frontier, broke out into rebellion, and next month there were defections in the Cape Mounted Rifles, a Hottentot corps tried in more than one campaign. And Sir Harry Smith's call to the burghers to 'destroy and exterminate these most barbarous and treacherous savages' evoked little response: sore at their treatment by the regular officers in the last war and still perhaps nursing the convict grievance, they seemed to feel this rebellion to be none of their affair. This last attempt to secure peace and progress on the frontier had failed, it appeared, as disastrously as any of the others.

Yet had it failed as a system? Doubtless the reduction of the military force had been premature, the dissension in the colony on the convict question unfortunate. Doubtless Sir Harry Smith had pitched his hopes too high.

'My study', he wrote to his sister, 'has been to ameliorate their [the Kaffirs'] condition from brutes to Christians, from savages to civilized men. They progressed in three years beyond all belief until some white-faced devils . . . got in among them, persuaded the chiefs my object was their extermination, and while the *people* clung with avidity to my protection from the former tyranny they groaned under, the chiefs asserted their feudal authority; and such is man in a wild state of nature, he cleaves to the hereditary rule of oppressors of his forefathers.'¹

Yet even in his disappointment Sir Harry believed that his policy had been right, and that the loyalty of Pato and the Gunukwebes proved it.² Lord Grey for his part thought there had been mistakes. It might have been wiser to give the chiefs salaries and a certain status as executive officers of Government: it certainly would have been wiser not to reduce the military force. When the war was concluded, precautions must be taken against a renewal of such calamities. But Grey also was convinced that in the main the policy had been right.³ The tribes, he hoped, might still be reclaimed and civilized, and even made to do their share in maintaining British authority. And the Government were prepared to accept responsibility for their policy and, in spite of the

¹ 18 June 1851: *Autobiography*, vol. ii, p. 273.

² Smith to Grey (9 June 1851): *Howick Papers*.

³ Grey to Smith (8 March 1851): *P.P.*, 1851, xxxviii (Cmd. 1334), p. 77.

warning of 1848, to recommend Parliament to pay the greater part at all events of the expenses of the war.

Public opinion in England, however, was not so ready to face unpleasant facts. Critics in Press and Parliament lost no time in proclaiming the policy of Lord Grey and Sir Harry Smith, which had been warmly welcomed in 1848, as a hopeless failure. It now appeared that the policy which had been put forward as not merely the best but the cheapest and the safest was no cheaper and no safer than the policy it had replaced. The search for such a policy must continue, and this war like the wars of 1835 and 1846 must be followed by a new departure. Along what lines? The events of the last few years supplied the answer. The Cape thought herself entitled to deny the argument of Imperial necessity, and to refuse to receive convicts. Very well. The argument cut both ways, said *The Times*: 'a private and peculiar war, like that now raging at the Cape, seems to fall fairly within the province of the local government to manage and of the local exchequer to support.'¹ *The Spectator*, though holding unlike *The Times* that the present war was purely Imperial and that the Mother Country must bear the brunt of it, drew a similar conclusion as to future policy: it trusted that 1851 would see the grant of responsible government to the Cape.² In Parliament, Sir William Molesworth attributed the war to Sir Harry Smith's mismanagement and self-deception.

'By alternately coaxing and threatening the Kaffirs, by alternately praising and reviling them, by playing up all manner of fantastic and mountebank tricks, by aping the manners of the savage, Sir Harry thought to civilize the Kaffirs and to impose upon them; but the Kaffirs laughed at him, turned him to ridicule, and imposed upon him.'³

The policy of for ever extending the colonial frontier was mere megalomania: 'with the termination of each war, we added to our territories, and thus sowed the seeds of more cattle-stealing and more wars.' Adderley was equally critical, if less extravagant.

¹ *The Times*, 7 March 1851: Bell and Morrell, op. cit., pp. 519-21.

² *The Spectator*, 8 March 1851. Cf. also *The Morning Chronicle*, 15 April 1851.

³ House of Commons, 10 April 1851: *Hansard*, Third Series, vol. cxv, pp. 1384-98.

'There were only two modes of dealing with a native population: either, in the first place, by maintaining the authority of the chiefs and the integrity of their institutions; or in the second place, by destroying the nationality of the tribes, and establishing our power in its place . . . Lord Grey's treatment of them failed, because it faltered between the two.'¹

He and Molesworth both drew the same moral. The colonists should as speedily as possible be granted self-government, left to manage their own frontier policy, and given to understand that they must defend themselves. A Commission should be sent out to wind up all outstanding treaties and agreements with the tribes and get rid altogether of the responsibility Great Britain had assumed. Gladstone also thought this the only remedy, and to prove his point idealized the old Empire in a way that must have made each several statesman of the eighteenth century turn in his grave.

'The practical corrective check upon colonial wars was the imposition on the colonists of all the responsibility of the wars . . . The Indian wars of the North American colonists had never cost this country millions. Their system then was natural and had worked well; their system now was unnatural and consequently had worked badly . . . He had a shrewd suspicion that in this particular case the colonists were very well able to defend themselves. But if not, he was very sure that this country would always be found ready to extend its aid and its protection.'²

Roebuck went further still, and denounced as mere cant the opposition of the humanitarians to colonial control. The lesson of history was that the savage must disappear in face of the relentless advance of the superior race, and it was futile to talk of justice and humanity when confronted with the iron law of an unjust necessity.³

Ministerial policy, however, was vigorously defended by Lord John Russell, who maintained that it was incumbent on the Crown not to abdicate its responsibility and was not afraid to draw the unpopular inference that if the Crown was not prepared to allow the colonists a free hand, it must provide them with an efficient defence at Imperial cost. He

¹ *Hansard*, Third Series, vol. cxv, p. 1428.

² *Ibid.*, vol. cxvi, pp. 261-7. On the working of the old colonial defence system see Beer, *British Colonial Policy, 1754-1765*, pp. 252-72.

³ *Ibid.*, vol. cxvi, pp. 273-5.

did not agree that the extension of British sovereignty had proved to be a wrong policy. Lord Glenelg's plan of confining our responsibility to the very minimum had been tried fairly, but had failed. The whole object of the extensions of territory had been the more effectual prevention of the incursions of the Kaffirs and the exertion of a civilizing influence upon them. The present plan had been recommended alike by D'Urban, Maitland, Pottinger, and Smith; and in his opinion, with all its hazard and expense, it was the one most consistent with security on the one hand and humanity on the other. The criticism that Sir Harry Smith had attempted to destroy the authority of the chiefs, apart from interference with certain barbarous practices, was based on a misunderstanding. 'On the contrary, it was the chiefs who were looked to as the means of governing the natives under them.' The only reason why the colonists had not self-government already was that they had been unable to agree amongst themselves; but those who saw in it a way of relieving Great Britain of the burden of military expenditure, putting on one side the question of responsibility, were likely to be disappointed.¹

If there were waverers in the Cabinet itself a memorandum of Lord Grey, written presumably for its benefit, brought powerful arguments to bear in the same direction.

'To expect that these fierce savages restrained by no sense whatever of religion, who delight in war and plunder, will ever live in peace close to white settlers whose wealth is a constant temptation to them, unless they are constrained to do so, seems to me quite delusive . . . But . . . though the Kaffirs have been very often the aggressors, indeed generally so, it seems impossible to doubt that vengeance has often been taken upon the innocent as well as the guilty, and that in these border wars a spirit of mutual hostility grows up which leads the settlers to regard the natives very much like wild beasts and to treat them accordingly. Hence it does not seem to me that it ought to be left to the settlers to determine for themselves what measures should be taken for their protection. Nor can I admit that it ought to be assumed that the Kaffirs are irreclaimable. I have no doubt that to subdue their savage nature a strict and even a severe system of government is necessary . . . but I see no reason to doubt that by such

¹ House of Commons, 15 April and 13 June 1851: *Hansard*, Third Series, vol. cxvi, pp. 240-7, cxvii, pp. 763-8.

a system of government they may be kept in order, and that if peace is thus maintained religion, education, and commerce will gradually civilise them. It appears to me to be the duty of this country and a duty which it is bound by the most sacred obligations not to shrink from performing, to endeavour to work out this result instead of deserting the responsibility we have voluntarily undertaken by acquiring dominion and settling a large body of British settlers in Southern Africa.’¹

The proposal for a Commission was defeated by 129 to 59, and the Select Committee which was offered as an alternative, though it made no report, ought to have served to dispel some illusions. The series of dispatches dealing with the treaty policy and its working were produced for the benefit of the Committee, and there was general agreement that it would be useless to revert to that system. Sir George Napier, the Governor most closely associated with it, expressed the opinion that whilst the colonists had never once infringed the Stockenstrom treaties the Kaffirs had broken them over and over again—in fact, whenever they thought it to their interest to do so.² Sir Andries Stockenstrom himself still declared that ‘if the treaties had been strictly and honestly adhered to, we should have had no more war’; that the substitution of new treaties for the old in 1844 had been a breach of faith; but even he admitted that it would require great strictness, and a strong military force upon the frontier, to secure observance of treaties by the Kaffirs.³ There was a good deal of scepticism and disappointment as to the influence of the missionaries over the tribes. ‘My own opinion’, said Napier, ‘is that they never will be much better than they are’; and even those, like the Rev. Messrs. Adamson and Renton, who thought that missionary influence had been beneficial, owned that it had fallen short of their expectations. On such points of policy as the extension of the frontier and the position of the chiefs there were wide divergences of view. Opinions differed also as to the wisdom of handing over native policy to colonial control, but on

¹ Memo. on the Kaffir War (n.d.—April 1851?): *Howick Papers*.

² *P.P.*, 1851, xiv (H.C. 635), Q. 1533.

³ *Ibid.*, QQ. 1789–93, 2009–14. Stockenstrom, it is only fair to say, had always contended that the success of the treaty policy required a greater force than had been available.

one matter no room was left for doubt. In the event of the establishment of a Legislative Assembly, said Fairbairn, the colonists would undertake to pay a large portion of their expenses—say one-third or one-fourth of the military expenditure—but not all.

'We always believe that our frontier is a British frontier, and that the enemy who attacks you by coming across a river, is as much an enemy of the Empire, as if he came by sea.'¹

Whilst there should be some system of burgher levies and perhaps of military colonization, there was general concurrence in the view that a considerable military force—some said three thousand, some as many as six—should be maintained on the frontier for some time to come. It was no use seeking for a cheap and easy frontier policy, for no such policy existed.

The chief achievement of the critics of the Government was to secure some acceleration of the progress of the Cape towards self-government, which not unnaturally had been interrupted by the outbreak of the war. Sir Harry Smith, left with only half a Council, asked to be allowed to carry on with it: the constitution, if necessary, could be enacted in England, but he doubted whether this was the time to introduce it.² Lord Grey concurred and sent out Additional Instructions which virtually legalized a Council composed of officials only.³ Stockenström and Fairbairn, however, seized their opportunity and obtained from some eminent lawyers opinions that these Instructions were invalid. The Law Officers did not agree, but none the less Lord John Russell deemed it wise to put the matter beyond reach of doubt. Grey was loth to change his course, but he agreed to instruct Sir Harry to complete his Council and proposed to save time and trouble by drafting Ordinances which the Council could enact.⁴ Stanley (who had now become Earl of Derby) attacked this policy and claimed that the best hope of an agreed settlement lay in the enactment of the constitution

¹ *P.P.*, 1851, xiv (H.C. 635), QQ. 465-71, 588.

² Smith to Grey (19 February 1851): *P.P.*, 1851, xxxvii (Cmd. 1362), pp. 190-2.

³ Grey to Smith (13 May 1851): *ibid.*, pp. 203-5.

⁴ Grey to Russell (4 June 1851): *Howick Papers*. Grey to Smith (30 June 1851). *P.P.*, 1852, xxxiii (Cmd. 1427), pp. 63-4.

by Parliament—his real object doubtless being to secure the modification of the provision for an elective Upper Chamber—but the attack was beaten off.¹ Indeed, though memories of the *Neptune* convicts raised an insurmountable barrier between Grey and Fairbairn, their views on the form of the constitution were not very far apart. The colonial delegates were prepared to accept the draft Order in Council of Porter, the most liberal of the officials, and on this draft the Ordinances transmitted in September 1851 were mainly based. From it were taken—with some alteration in the interests of minorities—the method of election of the Legislative Council, by two great constituencies; the franchise, though with the suggestion that it might be made to depend on the payment of taxes or rates; and the original Privy Council proposal of giving seats but not votes to members of the Government. The chief change was that the duration of Assemblies was increased from three to five years. The draft Civil List Ordinance was based on the provisions of the Australian Colonies Government Act.² ‘We are wasting our blood and our millions’, lamented *The Times* rhetorically, ‘because we will not give the Cape a constitution, and we will not give the constitution because the Cape has offended Lord Grey.’³ By that time, however, the draft constitution had reached the Cape, and had been gratefully received by the colonists, and not least by the Capetown Municipal Commissioners, who had been the head and front of the colonial opposition.⁴ Of responsible government, which had been so much in demand at home, not a word was heard from the colonists.

Whilst these parliamentary battles were proceeding in England, Sir Harry Smith was making herculean efforts to bring the rebellion to an end. The extreme difficulty of the supply problem, the ubiquity of the enemy, and the strength of his mountain fastnesses are vividly described by Sir John Fortescue in his *History of the British Army*, and there is no reason to dispute his conclusion that Sir Harry was too weak

¹ House of Lords, 15 July 1851: *Hansard*, vol. cxviii, pp. 694–719 (Derby), 719–45 (Grey).

² Grey to Smith (15 September 1851) and Enclosure: *P.P.*, 1852, xxxiii (Cmd. 1427), pp. 73 ff.

³ *The Times*, 20 December 1851.

⁴ Montagu to Hawes (1 December 1851): Enclosure: *ibid.*, p. 38.

in men to patrol the country effectively and used to the best advantage the resources at his disposal.¹ But as usual he kept looking at the bright side of things: each stroke of misfortune—the first outbreak, the Kat River rising, the apathy among the burghers—took him by surprise, and at every stage he led the Government to hope for more than he found it possible to achieve. By May the immediate danger had been averted, though for some months to come the frontier would, Sir Harry feared, be ‘a prey to lawless banditti’. In June and July there were combined operations in the Amatola Mountains. They were skilfully carried out. Surely they would make a real impression on the Kaffirs! But they made no perceptible difference, and were followed by fresh depredations upon the colony. In September Smith reported a reappearance among the Kaffirs of the enterprise and daring of the early days of the war; and next month he expressed grave doubts of the loyalty of the Transkeian chiefs Kreli and Faku, and requested two more regiments—the first request for reinforcements that he had made, though four regiments had been sent unasked. The end was not yet in sight.

Meanwhile *The Times* was harrying the Ministry as persistently as the Governor was harrying the Kaffirs. These wars, whatever the Aborigines Protection Society might say, had all arisen from the anxiety to prevent the colonists from themselves chastising the Kaffirs for their undoubted misdeeds.

‘The difference to the Kaffirs is entirely trifling . . . The difference to the people of England is that they pay the whole expense, bear the whole burden, and support the whole discredit of measures which necessity may palliate in the settler, but which reflects no honour on the vocation of the soldier.’²

Why should Great Britain take upon herself any responsibility for the irrepressible conflict between the white man and the savage? The immediate interests of the British Empire at the Cape would be satisfied by the retention of the Cape Peninsula itself.³ Yet here were troops being sent on a useless errand to South Africa when a new Napoleon had just established his power in France.⁴

¹ Fortescue, op. cit., vol. xii, pp. 526 ff.

³ Ibid., 15 December 1851.

² *The Times*, 20 December 1851.

⁴ Ibid., 8 January 1852.

Grey and Russell began to lose faith in their own policy and still more in the agent of their policy, Sir Harry Smith. Already Major Hogge and Mr. Mostyn Owen, men with some South African experience, had been sent out as Assistant Commissioners to aid him in dealing with the native tribes. Now Hogge, in whose judgement Grey had great confidence, wrote that in his opinion the war had been mismanaged.¹ Grey had at first relied as confidently upon Sir Harry Smith's wisdom and experience in South Africa as he relied upon Elgin in Canada or Denison in Van Diemen's Land or his own namesake in New Zealand. But for some time he had uneasily been feeling that perhaps Sir Harry's critics had been right. The Governor had all along underestimated the danger and probable duration of the war. He had steadily refrained until now from asking for reinforcements. He had been unable to secure the measure of support from the burghers in the field that his predecessors had done. He had allowed the affairs of the Orange River Sovereignty to drift into utter confusion.² Early in January 1852 Grey persuaded the Cabinet to recall him.

The recall has been almost universally condemned. At the time, loudly though it had been demanded by Sir William Molesworth and *The Times*, it by no means appeased the critics of the Government but rather joined to them the friends of Sir Harry Smith. He himself vehemently denied—though in public he maintained an honourable silence—that his failure to bring the war to a speedy end with inadequate resources was a reason for recall, or that he could have been expected to anticipate that the burghers would refuse to serve or the Hottentots rebel.³ The Duke of Wellington, in the House of Lords, dissociated himself from the censure passed by Lord Grey.⁴ There were demonstrations of sympathy in the colony. Indeed before Sir Harry's successor reached the Cape the back of the Kaffir resistance had, at last, been broken, and the Gaika chiefs, if not yet quite subdued, had most of them fled across the Kei and

¹ Grey to Russell (14 December 1851): *Howick Papers*.

² On the Orange River Sovereignty see below, pp. 300 ff. For the dispatch of recall (14 January 1852) see *P.P.*, 1852, xxxiii (Cmd. 1428), pp. 253–6.

³ Memorandum (12 March 1852): *Autobiography*, vol. ii, pp. 405–11.

⁴ *Hansard*, Third Series, vol. cxix, pp. 174–6.

sued for peace. It seems clear now that Sir Harry Smith's conduct of the military operations was fully worthy of his reputation. None the less, unfair as Lord Grey's charges may seem to us to-day, it is doubtful whether any other Minister, holding office in 1851, would not have done the same thing. Sir Harry would have been well-advised to get his dispatches written by some one else. Over-confidence had always been his bane, but hitherto he had always managed to combine good luck with good management. Now his luck had failed him. And there is nothing so difficult to defend against public attack as optimism shown to be unjustified.¹ The critics of Lord Grey ought not to forget that the war Sir Harry Smith was fighting was not against the Kaffirs only but also against a considerable section of the public opinion of England.

Lord Grey's instructions to George Cathcart, the destined successor of Sir Harry Smith, are proof positive that the recall was no mere outburst of petulance but a symptom of war-weariness and disillusionment.² Somehow or other the policy hitherto pursued on the Cape frontier, which had led to so much suffering and expense, must be revised. The right of the frontier farmers to look for Imperial support was by no means unlimited: they must make reasonable exertions for their own protection, and conform to whatever rules of conduct might be necessary for their safety. Similarly, the responsibility for keeping order among the tribes and in due course civilizing and Christianizing them would justify considerable sacrifices on the part of the British people: but this also had its limits, and it could not be expected of Great Britain that she should prevent the strife of hostile races at the cost of indefinite expense and never-ending war. Unless firm but conciliatory measures could allay the jealousies and animosities of the colonists and secure their united support for the Government, it might be a question whether Great Britain should not restrict within much narrower bounds her exercise of authority in South Africa.³

¹ Fortescue, favourable as he is to Smith, admits that he laid himself open to attack by not asking for reinforcements: *op. cit.*, vol. xii, p. 531.

² So, of course, is his famous invitation to Sir Harry to dine with him—an invitation which Sir Harry accepted.

³ Grey to Cathcart (2 February 1852): extract printed in Bell and Morrell, *op. cit.*, pp. 528-30.

So far as concerned Kaffraria, this warning was never acted on. In the parliamentary session of 1852 all the old arguments were used in favour of local control, but the worst of the war was clearly over, and when Cathcart began to formulate his ideas on eastern frontier policy he did not suggest any diminution of British responsibilities. On the contrary he recommended that the greatest stronghold of the Kaffirs, the Amatola Mountains, should be occupied on some sort of military tenure—not by British military settlers, who were apt to be idle, intemperate, and careless of danger, but by Swiss or (he suggested later) by colonial farmers and friendly Fingoes. European farmers should also be settled, on military tenure, in some of the Tambookie country north of the Amatolas. British Kaffraria generally should not for the present be subjected to colonial law or settled by Europeans but should be governed, with as little interference as possible, by the chiefs. ‘I am convinced’, wrote Cathcart, ‘that to remove one means of governing before you can possibly supply its place by another, can only be productive of anarchy, whereas if the chief be supported in the government of his clan, it is easy to govern the chief, and his people through him.’¹ These projects won the general approval both of Pakington and of Newcastle after him; and they formed the basis of the settlement after the war. At first the support of the chiefs was carried to such extremes that the Governor would not intervene even to prevent judicial murders for witchcraft;² but Sir George Grey, who succeeded Cathcart in 1854, reversed that tendency. The basis of his policy was his New Zealand experience. He induced the chiefs to give up their right to fines imposed upon their people, which were often a mere instrument of oppression, and to accept instead a fixed salary from Government, and the assistance in their courts of European magistrates. He employed the Kaffirs, as he had done the Maoris, in making roads; he imposed a hut tax; he built a hospital where free medical treatment was given, and encouraged the establish-

¹ Cathcart to Pakington (20 May 1852): *P.P.*, 1852-3, lxvi (Cmd. 1635), pp. 106-10.

² I do not agree with Brookes’s view that ‘there can be little doubt that the whole scheme represents the considered and deliberate policy of Earl Grey’: *History of Native Policy in South Africa*, p. 90.

ment of industrial schools. But in one fundamental matter New Zealand experience led him astray. Cathcart, as a military measure of precaution, had replaced the Kaffirs by Europeans or friendly natives in the districts most dangerous, from a military point of view, to the colony: Sir George Grey carried the policy further, firm in the belief that the right path was the path of amalgamation, not of segregation. The Xosa 'Kaffirs' and Tambookies were lured on by a deluded prophet to kill their cattle and were destroyed in thousands by famine: the chiefs were discredited: peace was secured, if a desert can be called peace. Most of the young men and women were obliged to take service in the colony. Sir George Grey, oblivious of the fact that where the Maoris were numbered in their thousands the Bantu were numbered in their tens of thousands, regarded this as a heaven-sent opportunity for settling Kaffraria with Europeans. He bought immediate security at the cost of future congestion. The lesson of the past had been that security must come through control: the faith of Earl Grey and Harry Smith and George Grey and Philip was that control was the way to civilization also: but, not realizing that security meant something to the Kaffir as well as to the colonist, Sir George Grey took the wrong turning. The tribes had been justified in their fears, for, with the best of intentions, he had made control mean dispossession.

This may have been the solution desired by the frontier colonists, but the Imperial Government and its Governors must bear the responsibility for it, just because the Kaffir War of 1851 did not after all give the Cape responsible government. The Order in Council of 11 March 1853 gave it a constitution based upon the draft sent out in September 1851. The constitution had in the interval passed through some vicissitudes. The more conservative of the officials, headed by Montagu, and the moderates who filled the vacant seats in the Legislative Council, feared a new Hottentot rebellion and pursued a Fabian policy with the object of postponing the constitutional settlement till the end of the war.¹ Darling, who was sent out to reside at Capetown as

¹ Smith to Grey (18 February 1852) and Enclosures: *P.P.*, 1852-3, lxvi (Cmd. 1581), pp. 95 ff.

Cathcart's lieutenant-governor, did not share their views; but the Derby Ministry thought it better to wait, and the question of the government of the Eastern Districts was another argument for postponement. Sir Harry Smith and Mr. Porter thought separation would be better than the removal of the seat of government suggested by Lord Grey: and Lord Grey was at any rate convinced by them, before he left office, that a question which so deeply divided both the colonists and their government ought not to be settled during the war.¹ Postponement was none the less necessary because Pakington inclined to favour separation: and perhaps the presence of Montagu in England was, as the Western District colonists suggested, another influence in favour of delay. Cathcart in September 1852, when the war was virtually over, urged that the constitution should be withheld no longer, and expressed opposition both to the removal of the seat of government and to separation;² and the Aberdeen Ministry acted upon his opinion. The Order in Council empowered the Governor to summon the first Assembly wherever he thought fit, and the question of separation was left to its decision. Responsible government was left to the future, and on the whole the policy of Grey and Russell, which had combined liberality of intention with caution of method, may be held to have been justified by events. The form of the constitution owed much, no doubt, to the liberal views of the Attorney-General of the Cape, but much also to the spirit in which Grey and his colleagues at home had set about their work; and the initiative had, after all, been theirs. Grey, it is true, had shown anxiety at times as to the consequences of entrusting to the Assembly the powers that were ultimately given, but his hesitation was due to no hostility to colonial self-government as such but to his appreciation of the responsibility of the Imperial Government for the welfare of the native races of South Africa.

This appreciation of Imperial responsibilities is the distinguishing characteristic of Grey's South African policy. For a moment, in the winter of 1851-2, when it seemed as

¹ Smith to Grey (14 June 1851): CO 48/315: (7 November 1851): Enclosure: CO 48/319. Minute of Lord Grey (19 January 1852): *P.P.*, 1852-3, lxvi (Cmd. 1581), pp. 95 ff.

² Cathcart to Pakington (20 September 1852): CO 48/327.

if the native war would never end, he had wavered; but when freed from the burdens of office he regained his balance. The mood of disillusionment passed. Lord John Russell in the House of Commons defended the Kaffrarian policy of his Ministry,¹ and Grey in the *Colonial Policy of Lord John Russell's Administration* argued that the nation could not honourably cast off its South African dominions, burdensome though they might be. The settlers ought to be called upon to exert themselves in their own defence. They ought, if they chose to occupy land beyond the authorized boundaries of the colony, to do so at their own risk. But within the colonial boundaries, where some of them had been settled by Parliamentary grant, they could not without disgrace be refused Imperial protection. Nor was this all.

'I confess I should grieve to think that the ultimate occupation of Southern Africa by a civilised population was only to be accomplished, like that of North America, by the gradual destruction of the native races before the advancing tide of a white occupation of the soil. I believe that, instead of this, the civilisation of the black, and the ultimate amalgamation of the two races, is not impracticable, if the superior power of this country is wisely and generously used to enforce on both sides a respect for each other's rights, and to foster all those germs of improvement which are already showing themselves among the aboriginal population.'²

The policy won Grey and Russell much unpopularity. When Palmerston turned out the Government in February 1852 with his 'tit for tat for John Russell' on the Militia Bill, Adderley was waiting with a motion of censure and was confident of victory.³ Yet, wrong as Grey may have been in details, on the main issue he was in the right. The civilization of the native tribes, and the welding of the two races into one society, turned out to be more difficult by far than he anticipated. He and his principal agent in South Africa, Sir Harry Smith, too readily assumed that the Kaffrarian chiefs would willingly submit to the limitation of their authority, and that their tribes would prefer peace and

¹ House of Commons, 5 April 1852: *Hansard*, vol. cxx, pp. 751-4.

² *Colonial Policy of Lord J. Russell's Administration*, vol. ii, pp. 248-53.

³ Grey for one was sorry to be deprived of the opportunity of defending his policy.

'good government' according to Western notions to their traditional ways of living; nor did they penetrate the natives' minds and realize the depth and passion of their attachment to their lands. But what was the main issue? It was whether or no the acceptance of Imperial responsibility and the assertion of Imperial control in Kaffraria had been a mistake from the beginning. A complete reversal of policy might not be possible, but it was very generally believed by the critics of the Ministry that responsibility ought to be transferred to the colonists of the Cape.

The fact that a complete reversal of policy was not suggested was in itself something. It had always been Great Britain that had shrunk from extension of territory and assumption of control. If responsibility were indeed transferred to South Africa, the transfer was not likely to lead to retreats and renunciations. The annexation of Kaffraria in 1848 was an essential preliminary to any solution of the frontier problem. D'Urban indeed had seen this, though perhaps but dimly: Grey and Smith retrieved the error of Glenelg, and their commitment was fortunately final. But had the Imperial Government no further interest in seeing how the frontier problem was solved? Grey himself believed that the abdication of responsibility by the Imperial Government would mean the destruction of the native races, not so much by deliberate policy as by the inevitability of gradualness. After all, the precedents pointed that way. His fears were doubtless exaggerated, but that does not necessarily condemn his policy. Was there in South Africa at the time any widespread desire to civilize the native? Brookes's tribute to Sir George Grey as the great civilizer implies that there was not; and surely he is right. There were of course the missionaries, whose leader, Philip, has a strong claim to be regarded as the greatest of the pioneers of South African native policy; but Philip, till his death in 1851, remained the leader of a party, and an unpopular party. Fairbairn, his most important ally, won popularity without abandoning his principles, but he had no desire that the colony should control Kaffraria. There was much to be said for the view that it was the business of the Imperial Government to retain control until the colony could be relied upon

to use its responsibility wisely and to take up the task of civilization. In the end the transfer was perhaps determined by other motives; but at least it was all to the good that in the meantime men like Maclean and Brownlee had been able to establish a tradition of native administration, strong in the knowledge that there was a powerful and independent Executive to back it. The grant of responsible government in 1851 could hardly have given the Cape such an Executive.

But unfortunately the reaction of 1851 did leave its mark, for the Smith-Grey policy had broken down in Transorangia as well as in Kaffraria, and the Orange River Territory was made the scapegoat for the sins of the whole of South Africa. The Home Government never more than half believed in the Orange River annexation. A committee of the Privy Council was about to report, in December 1849, in favour of its abandonment and a new treaty policy, when Russell intervened and settled the question the other way. The annexation, he argued, would mean security both to the farmers and to the natives and would maintain British prestige: its reversal could mean nothing but bloodshed and anarchy.¹ The report was accordingly toned down; but it still advocated the peremptory prohibition of further annexations. They tended to enlarge indefinitely the demands on the revenue and military forces of Great Britain, without furthering any objects of national importance—rather the contrary.

‘By these repeated extensions of the African dominions of your Majesty’s Crown, your Majesty’s colonial subjects have as repeatedly been brought into contact with new tribes of barbarous people, with whom it has been found impossible either to maintain any protracted peace, or to wage any war which has not been at once costly, inglorious, unprofitable and sanguinary. The effect of such extensions of British territory has not been to arrest the emigration of the disaffected colonists, but to induce them to migrate into yet more distant regions, into which they have carried a warfare revolting to humanity and disgraceful to the British name.’

The better policy was rather to extend the Cape of Good Hope Punishment Act to the equator.² In a dispatch on

¹ Memorandum (7 December 1849): *Howick Papers*. The influence of Stephen seems obvious in the report, but there is no direct evidence to connect him with it.

² Grey to Smith (26 July 1850): Enclosure: *P.P.*, 1851, xxxvii (Cmd. 1360), pp. 85–9.

Livingstone's discovery of Lake Ngami, a few months later, Grey seemed to accept these ideas. Boer expansion and oppression of the natives, he said, could best be checked not by following them as far as they chose to go, but by encouraging the tribes through British residents and missionaries to combine together for defence and to establish a more regular form of government.¹ Yet to call a halt was one thing, to withdraw another.

The management of the annexed territory, however, was too much for Major Warden, the Resident at Bloemfontein. Everything hinged on Moshesh and on his relations with the European farmers on the one hand and the lesser tribes on the other. At first Warden was favourably disposed towards him, and the Wesleyans complained to Montagu that their *protégé* Moroko the Barolong had been most unjustly treated to gratify the unbounded ambition and land-hunger of Moshesh.² But by the end of 1848, when provisional boundaries were arranged between Moshesh and the Batlokua chief Sikonyela to his north-west and between Moshesh and the farmers on the south-west, it became clear that Moshesh did not share this opinion of the undue generosity of the Government. 'If the proposed boundary be confirmed', wrote his French missionary, 'the Basutos will not have sufficient land, and the consequence of a forced concentration will be interminable quarrels among themselves, ill-will against the power that brought on that concentration, and constant encroachments on and feuds with the farmers.'³ Warden, however, denied this, and in December 1849 Sir Harry Smith confirmed the boundaries. Gradually the British Resident seemed to incline to the idea that the best policy was to uphold the 'balance of power', which in practice meant supporting the weaker tribes against Moshesh: perhaps he was helped in this direction by the fact that his clerk was a brother-in-law of one of the Wesleyan missionaries, who took up the cause of the minor tribes with none the less

¹ Grey to Smith (12 November 1850): *Enclosure : P.P.*, 1851, xxxvii (Cmd. 1360), pp. 92-4. Sir Harry Smith was dubious. 'Depend upon it,' he said, 'the natives are most opposed to anything bordering upon taxation': Smith to Grey (9 March 1851) (Private): *Howick Papers*.

² Shaw to Montagu (4 May 1848): *Basutoland Records*, vol. i, p. 173.

³ Casalis to Smith (28 December 1848): *ibid.*, p. 212.

zeal because Moshesh's missionaries were French.¹ At any rate the raids and counter-raids gave him ample opportunity of apportioning blame: fines of cattle were imposed on both sides and by both sides evaded: and at last the incidents culminated in an attack, in May 1851, by the Basutos and Bataungs upon Moroko, whom Warden, perhaps rightly, considered to be the most peaceably disposed of all the chiefs. Armed with the sanction of the High Commissioner, Warden decided to attack and punish the offenders. At once it became clear that Warden's intervention had no power behind it. He called out the burghers on commando. But would they come? They had their own grievance of Basuto depredations, for the Basutos were still sore at the settlement of the Caledon boundary. But Warden's summons was concerned not with this but with quite another question—a mere tribal quarrel. It was a policy which they did not approve of and which they had had no voice in determining: there were four burgher nominees in the mainly official Legislative Council created in 1849, but that was all.² The burghers refused to turn out, despite their military tenure, and the expedition was a failure.

The news reached England in September and gave *The Times* fresh ammunition for its attacks—'Remember Afghanistan' was its new slogan³—and Ministers disturbing doubts as to the wisdom of their South African policy. It was pretty clear, wrote Grey, that Major Warden had been interfering too much. The understanding at the time of annexation had been that the authority of the chiefs should be upheld; that the colonists should be given a large measure of self-government; but that it should cost Great Britain nothing in money or troops. The country had been annexed because that was represented to be the wish of the inhabitants. 'If the inhabitants will not support that authority but on the contrary desire to be relieved from it, there is no British interest to be served by endeavouring to maintain it, and the sooner the force now there can be withdrawn the better.' The

¹ Hogge to Grey (26 March 1852) (Private): CO 48/333.

² Letters Patent and Instructions of 22 March 1851 constituted the Territory a distinct and separate government with a Legislative Council of thirteen members, of the ordinary Crown Colony type: they were never put into operation.

³ *The Times*, 18 September 1851.

immediate necessity no doubt was to assert British authority in force, but the only permanent obligation was to provide for the safety of our allies among the tribes. The fact that withdrawal might give a regrettable check to the progress of civilization was for the inhabitants themselves to take into account.¹ A month later there arrived a report from Warden in which the fatal remark occurred: 'The fact is that two-thirds of the Boers in this Sovereignty are in their hearts decided rebels, and consequently do all in their power to thwart Government.'² Russell was now urging withdrawal from the Sovereignty: Grey still had hopes that his warning might have a salutary effect, but he was overborne by Russell's insistence.³ To one of his drafts Russell added the words: 'The ultimate abandonment of the Orange River Sovereignty should be a settled point in our policy.'⁴ Grey himself was soon in a mood to regard the policy of maintaining British authority in these remote regions as mere 'Quixotic philanthropy'.⁵

Yet perhaps the case was not yet hopeless. Neither Sir Harry Smith nor his assistants, Hogge and Owen, were prepared quietly to acquiesce in a policy of withdrawal.

'If', wrote Sir Harry, 'Her Majesty's sovereignty over this territory were now rescinded, the step would be regarded by every man of colour in South Africa as an unprecedented and an unlooked-for victory to his race, and be the signal of revolt or continued resistance to British authority from Cape Town to the territory of Panda and from thence to the Great Lake.'⁶

Overtures for peace from Pretorius beyond the Vaal gave Hogge and Owen an opportunity of detaching him from the disaffected Sovereignty Boers and simultaneously setting a term to the intervention policy. The Sand River Convention (17 January 1852) recognized the independence of the Transvaal Boers, with precautions as to slavery and the delivery of criminals, and disclaimed any alliance between

¹ Grey to Smith (15 September 1851): Bell and Morrell, op. cit., pp. 523-6.

² Smith to Grey (8 August 1851): Enclosure: *P.P.*, 1852, xxxiii (Cmd. 1428), p. 104.

³ Earl Grey to Hon. C. Grey (24 September 1856): *Howick Papers*.

⁴ CO 48/317: No. 8775.

⁵ Grey to Hogge (15 December 1851) (Private): *Howick Papers*.

⁶ Smith to Grey (12 November 1851): Enclosure: *P.P.*, 1852, xxxiii (Cmd. 1428), p. 202. In a private letter of 19 November to Lord Grey he is equally outspoken: 'As to giving up this Territory it is totally impossible': *Howick Papers*.

Great Britain and tribes to the north of the Vaal.¹ At the same time the Assistant Commissioners set themselves to lessen British interference in tribal disputes and to give the people a fuller share in the management of their own concerns. In June 1852 a conference of elected delegates at Bloemfontein supported British rule and agreed to accept a commando law, on condition that they were given a mainly elective Assembly, that there was no interference in tribal quarrels, and that in other cases they should be assisted by troops. The conciliation of Moshesh however, though many concessions were offered, was a knotty problem, and Owen estimated that a permanent force of at least 500 men would be needed in the territory.²

And in any case the patient efforts of the Assistant Commissioners were in vain. Pakington inclined to the withdrawal policy, and there was none to say him nay. For Cathcart, sent out at a moment of despair, did not agree with Sir Harry Smith. 'The Bloemfontein delegates', he wrote, 'are so decidedly in favour of uncompromising self-government that it would be gracious in Her Majesty to grant them even more than they ask, viz., independence.'³ Interference with the natives from humanitarian motives led in the end, he believed, to greater encroachments than peaceful penetration by the settler.⁴ The expedition against Moshesh in December confirmed Cathcart in his opinion. Moshesh, with consummate diplomatic skill, revealed his strength in an indecisive action and then submitted. The Duke of Newcastle was readily convinced. His dispatch of 14 March 1853 announced that the Imperial Government intended to withdraw from the Sovereignty before more men and more treasure were squandered in the profitless adventure. Sir George Clerk, as Special Commissioner, signed in due course the Convention of Bloemfontein (25 February 1854). The independence of the Orange River Boers was guaranteed; the treaty with Adam Kok was to be modified to facilitate sales of land by the Griquas; and all other alliances were

¹ Bell and Morrell, *op. cit.*, pp. 526-8.

² Owen to Cathcart (3 July 1852): *P.P.*, 1852-3, lxvi (Cmd. 1646), p. 60.

³ Cathcart to Pakington (20 September 1852): *ibid.*, pp. 68-9.

⁴ Cathcart to Pakington (14 November 1852) (Confidential): *ibid.*, pp. 71-4.

disclaimed.¹ Sir George Grey came to South Africa later in the year, but he came too late.

The withdrawal was undoubtedly a false step. It did not, as Sir George Grey and his successors found, mean that British responsibilities north of the Orange were at an end. Its real object, in short, was not attained; and in the long run it caused more trouble than it saved. The Sovereignty had certainly been mismanaged. Dr. Philip in 1842 had advised that Government should discriminate between the chiefs and strengthen the hands of Adam Kok and Moshesh.² Major Warden took the opposite course and, well intentioned though he was, he did more harm than good by his constant attempts to 'define the aggressor' and to seek a phantom balance of power. It may have been impossible to fix boundaries that would please every one: it may have been difficult to stand by and watch Moshesh and his neighbours quarrel about cattle and land: but it was fatal to take a decided line, leading to collision with Moshesh, without the power to enforce decisions. Sir Harry Smith, who was Warden's superior, must bear a share of the blame. But was it too late in 1851 to retrieve Warden's mistakes? Probably not, had a new system been resolutely followed. Grey might, if left a free hand, have avoided the disaster, though for a time his native hue of resolution was sicklied o'er. At any rate, he approved in 1856 of Sir George Grey's efforts to reverse the policy.³ But the Whigs were driven from office and in any case to pursue a resolute policy was to risk defeat. Some of the blame must be allotted to the short-sighted policy of Molesworth and the Manchester School with its utter misunderstanding of South African conditions. Yet Lord Grey had expected too much, and was too ready, in 1856 as before, to blame Sir Harry Smith. The Russell Ministry had rightly assumed responsibility in 1848, but they were unwilling to think out its consequences, for fear that they might be unpalatable. They were still too much influenced by the old dislike of spending Imperial money for purposes purely South African—the old feeling that South Africa was almost

¹ Bell and Morrell, op. cit., pp. 533-6.

² Philip to Napier (25 August 1842): *Basutoland Records*, vol. i, p. 47.

³ Earl Grey to Hon. Charles Grey (24 September 1856): *Howick Papers*.

worthless to the Empire. Hence when their hopes were disappointed their fears returned. They could not oppose to the strong convictions of their critics convictions equally strong.

Meanwhile Natal, which had in the early forties been the centre of interest, was pursuing its course in virtual isolation. Separated from the Cape colony, and given a Legislative Council of its own in 1848, it had become a mere backwater of the Great Trek. Indeed Sir Harry Smith on his great dash northwards immediately after his arrival found most of the Natal Boers on the point of leaving. He promised to do his utmost to put every Trek Boer into possession, whether by grant or sale, of a good 6,000 acre farm, to be inalienable for seven years: he appointed a Land Commission to make recommendations on the subject, and offered seats to the Boer leaders Boshof and Pretorius; and by these means he induced some three or four hundred families to turn back.¹ Lord Grey, though inclined to think that too much had been sacrificed for the sake of conciliation, approved of the proclamation: but he did not conceal his view that these farms were too large; that the condition of inalienability was unfavourable to improvement; and that now, even if it were removed, the result would merely be a glut on the market.² In any case, he feared, this reopening of claims covering in all no less than ten million acres would both discourage British settlers and further complicate the native question.

The proceedings of the Land Commission did not diminish his misgivings. They recommended the relaxation of the twelve months' occupation condition attaching to the original grants and of the condition of inalienability: the first was too rigorous to be ever enforced, the second depreciated the value of the claims—an objection which seemed to imply that speculation was not absent from the minds of some at least of the claimants.³ Pine, who arrived early in 1850 as Lieutenant-Governor, used hard words of the proceedings of the Commission. But Lord Grey's fears were exaggerated.

¹ Smith to Grey (10 February 1848): *P.P.*, 1847-8, xlii (Cmd. 980), pp. 212-14: (29 September 1848): Enclosure: *P.P.*, 1849, xxxvi (Cmd. 1059), p. 72. Pretorius refused to serve.

² Grey to Smith (23 April 1849): *ibid.*, pp. 99-100.

³ Smith to Grey (26 February 1850): Enclosures: *P.P.*, 1850, xxxviii (Cmd. 1292), pp. 141 ff.

The efficiency and energy of Pine reduced to something like order the confused situation that had arisen; he recommended the abandonment of both the obnoxious conditions, and yet reported that there would be only 313 actual grantees—127 of these not Boers—and the total amount of the grants would be only about 1,340,000 acres. Most of the 'Land Commission farms' were in the Klip River and Umvoti Divisions near the border: most of the 'registration farms'—those claimed under the arrangement of 1843—were in the divisions of Durban and Pietermaritzburg. Pine did not think that the farms would materially interfere with either the location of the natives or the settlement of immigrants.¹ The fact of the matter was that most of the birds had flown despite all the attempts of Sir Harry and his predecessors to cage them.

If he had shown no great anxiety to settle Natal with Boers, Lord Grey was by no means opposed to white settlement as such. Boers after all were only cattle-farmers, but Englishmen might be encouraged to grow cotton and so to lessen the dependence of the Mother Country upon the United States crop.² The method Grey chose for the encouragement of colonization was to grant to private individuals or Companies concessions in the purchase of land. Under the scheme approved in the case of Mr. Byrne, the first of many such applicants, land was to be bought at the upset price of 4s. per acre and £10 (or in the case of children under 14, £5) of the purchase-money remitted for every immigrant introduced by him. Mr. Byrne proposed to allow each immigrant a 20-acre farm. He began his operations in 1848; by the end of 1851 some 2,200 immigrants had been introduced under this and other schemes, and nearly as many had gone out independently. The schemes succeeded only to a very limited extent. The Cotton Company failed in 1850 and Mr. Byrne in 1851. The immigrants were ill selected: Byrne had made no provision for meeting the heavy expenses of survey and of transport to the land: and the farms in any case were far too small.³ Such schemes of

¹ Pine to Smith (1 November 1850): *P.P.*, 1851, xxxvii (Cmd. 1417), pp. 43–50.

² *Colonial Policy of Lord J. Russell's Administration*, vol. ii, p. 291.

³ Pine to Smith (30 August 1850): *P.P.*, 1851, xxxvii (Cmd. 1417), pp. 21–6.

systematic colonization were in fact hardly applicable to South African conditions. At any rate, though the white element in Natal was greatly strengthened, this did not affect the overwhelming preponderance of natives and the overshadowing importance of the native question.

In April 1847 the Location Commission appointed by West, the Lieutenant-Governor, presented its report. Native policy, said the Commission, was in the melting-pot.

'The government of their own chiefs is at an end; and although it is a fact that British rule and law have been substituted in their stead, it is not less true that they are almost as inoperative as if they had not been proclaimed, from a want of the necessary representatives and agents to carry them out.'

The natives should be assigned to locations under resident agents of the Government supported by native police under a European officer; the agents should conform to native law as much as was compatible with the principles of British law 'until by degrees the whole may with advantage be brought under our code'; and missions and schools should be established in each location.¹

Lord Grey in many respects agreed with the report. He had hankerings after a native militia comparable to the Indian Sepoys, but this was a comparatively minor point. The crux of the question was the fact that he was not prepared to face the expense of a system of resident agents. Clearly Great Britain would have to pay, and he could not hold out hopes of anything more than a small grant for a military force: and, the occupation being mainly for the benefit of the natives, it was only right that it should be supported, as in India, at their own cost and by their own strength, under the direction only of the white man.² Under these circumstances the best course would surely be to abstain from any sudden or violent interference with the authority of the chiefs. It might mean acquiescing in many things repugnant to our notions of justice and humanity; but it was the only alternative to anarchy, and gradually, as the means of the colonial government and the influence of

¹ Pottinger to Grey (26 March 1847): Enclosure: *P.P.*, 1847-8, xlii (Cmd. 980), pp. 132-3.

² Grey to Pottinger (4 December 1846): *ibid.*, pp. 93-4.

civilization and Christianity increased, it would be possible to interfere further and in due time to introduce a regular administration of the law. He trusted, however, that it would at once be practicable to restrain, if not to take away, the chiefs' power of inflicting capital punishments, and to prohibit punishments for witchcraft and inter-tribal war. In this manner an approach at least would be made to the establishment of security for person and property; and security was the first step towards civilization. Missions, industrial schools, roads, an assessment on land and cattle, and, he still thought, enlistment of a native militia, would all be valuable auxiliaries.¹

It lay with the local authorities, West and his principal adviser in native matters, Shepstone, to consider the practicability of Lord Grey's views. They did not entirely agree with them, but they went some way to meet them. Lord Grey had overlooked the fact that many of the tribes had no chiefs: and the Royal Instructions to proclaim the continuance, with certain exceptions, of native laws and customs would not only antagonize the white settlers but restore to the chiefs dangerous prerogatives which they had voluntarily surrendered and undermine the influence of Shepstone as Diplomatic Agent. The maintenance of native customs should be confined to the locations now being formed.

'It appears to me', wrote Mr. West, 'that each location . . . should be controlled directly from the seat of Government by an officer representing the Government to the natives generally; that the jurisdiction of this officer should extend over all the natives in the district residing in masses or locations; that he should govern them according to the principles of their own laws, customs, and usages, with which he must, of course, be intimately acquainted; that the various chiefs, and where there are no chiefs, the persons appointed to act as such, should be accountable to the Government through him for the manner in which they govern their respective tribes; that he should also have the power, acting on behalf of an enlightened Government, to remedy cases of glaring injustice. . . . This officer should have the permanent command of their national or tribal forces.'²

¹ Grey to Smith (10 December 1847): Bell and Morrell, *op. cit.*, pp. 511-15.

² West to Smith (20 September 1848) in Smith to Grey (17 July 1849): *P.P.*, 1850, xxxviii (Cmd. 1292), pp. 38-44.

It was the system so long to be identified with the name of Shepstone.

Grey approved, with certain reservations. His chief anxiety was lest the location system should be worked so as to promote the segregation of the natives. The experience of North America and Australia in his opinion showed that such a policy must end sooner or later, as the whites increased, in the expulsion or extermination of the native races. The only hope of saving them lay in the opposite policy which was being pursued in New Zealand. Native villages should if possible be formed in situations where they could mix with the whites and act as labourers for them.¹

1849 saw the legalization by ordinance of Shepstone's system, with an appeal from him to the Lieutenant-Governor as 'Paramount Chief', and the inauguration also of a hut tax. This would, according to Shepstone, combine the advantages of an income and a property tax, and directly discourage polygamy. Lord Grey still clung to his idea of an assessment on land and cattle, in the form perhaps of a tribute imposed on the tribe, for which the chiefs should be responsible. The position of the chiefs would be strengthened thereby; and if at the same time it were locally expended on schools, hospitals, roads, and police, it might be possible gradually to develop something like a European system of local government and assimilate the natives in sentiments and habits to the whites. Such a tax might also be used to encourage agriculture if it were made to fall more heavily on cattle than on land.² Shepstone presumably regarded these criticisms as academic and he took no action on them: and Grey was not the man to force his views on an administrator of proved ability and experience. It was sufficient that direct taxation, in which he had always believed, was being given its proper place in the scheme of native policy.

Shepstone's location system had not been in operation long before white settlers began to complain that it was too favourable to the natives. 'This is not the view held to-day. "The "Location" Commission,' says Brookes, 'while it undoubtedly gave the native population of 1847 more than

¹ Minutes (September–November 1849): CO 179/5: Nos. 7965, 7987.

² Grey to Smith (30 November 1849): *P.P.*, 1850, xxxviii (Cmd. 1292), pp. 196–7.

enough land for subsistence, did not err on the side of generosity when future generations were borne in mind; and after all, nine-tenths of Natal, including most of the best farming land, was still left open for a population of not more than 10,000 Europeans.¹ The fears of the whites, such critics would say, were due simply to the enormous disparity of numbers. But when Pine arrived to succeed West he expressed agreement in many of the settlers' criticisms. The locations he thought perfect fastnesses and far too large. Only the dread of Panda, the Zulu king, and the mutual distrust of the tribes prevented the situation from being dangerous in the extreme: and as it was, taking warning from the desertions in Kaffraria, he deemed it advisable to disband the native police, as a mere training-school in European warfare. Shepstone's system was not even satisfactory as a method of government: he had around him an Advisory Council and 'a sort of jury' consisting of natives who derived all their importance from their connexion with the Government and who used their authority, in Pine's opinion, to commit acts of extortion and private revenge.²

The criticisms of Pine, who was not a mere tyro but had West African experience, confirmed Grey's fears as to the effects of the location policy. It seemed to be producing what he most wished to avoid—a permanent division of the population into two classes, governed by different authorities and by different laws. The arguments of Sir George Grey in New Zealand had also, obviously, impressed him. The ultimate aim, amalgamation, ought always to be kept in view.

'Hence, as fast as a proper police can be established, and a proper municipal organisation can be created, the ordinary laws should be made binding upon all classes of the inhabitants, and it is only in districts where no machinery for the administration of English law exists, that native laws administered by native chiefs should be allowed to continue.'

The social position of the chiefs must be carefully maintained, but any authority exercised by them, it should be

¹ *History of Native Policy in South Africa*, p. 31. Cf. also Macmillan, *Bantu, Boer, and Briton*.

² Pine to Barrow (29 March), to Smith (4 July), to Grey (28 June), in Smith to Grey (18 August 1851): CO 179/17.

made quite clear, was an authority delegated by the Government, and not an authority of their own.¹

Shepstone from his different point of view was also none too well satisfied with the working of the location system. He was inclined to favour more thoroughgoing segregation. The locations should be abolished altogether; a new tract of country south of the Umkomanzi River should be set apart for the permanent accommodation of the natives; and, except for individual natives and mission stations with reserves attached, the colony should be left to the Europeans. But, whether it be that he had changed his mind since he had been a member of the Location Commission, or that he thought the opportunity had passed, or that Pine's view that the influence of the chiefs was the great barrier to the civilization of the natives and should be destroyed was sufficient inducement to Shepstone to hold the contrary, his view now was that only through their chiefs could the natives be governed.²

In the end all this turmoil produced very little change of policy. A Commission appointed by Pine in 1852 was chiefly preoccupied with the labour question and had little influence. Pine and Shepstone ceased bickering and for the first time really tried to work together. Shepstone was induced by Sir George Grey to abandon his grand segregation scheme, and settled down after all to work the old location system through hereditary native chiefs, though many of the natives came to prefer to live outside, still under Bantu law, on vacant Crown lands or ground hired from Europeans. It was essentially a compromise, and perhaps for that very reason it worked. Whether it was the best system is another question. 'There is no doubt that, while Shepstone controlled, adjudicated, kept the peace, he failed conspicuously to civilize.'³ Had he not perhaps missed his opportunity of superseding, little by little, the authority of the chiefs and gradually bringing the natives nearer to civilization? At any rate the general principle of replacing the chief by the

¹ Grey to Smith (3 December 1851): CO 49/45. On Sir G. Grey see below, p. 329.

² Shepstone to Acting Secretary to Government (9 December 1851): CO 179/20. For Pine's view as to the chiefs see Pine to Smith (1 November 1851): CO 179/16.

³ Brookes, *op. cit.*, p. 43.

magistrate has undoubtedly, according to Dr. Brookes, won the day in the Union.¹ Doubtless Grey and Pine underestimated the time that such a process must have required. Doubtless they failed to realize the unwisdom and indeed the impossibility of abrogating native law. But if the methods they suggested had been adopted, circumstances would inevitably have brought them into closer relation with the facts, and the result might have been a real advance towards civilization, the great aim of native policy.

In Natal, as elsewhere, Grey made mistakes. He thought too much of Indian analogies. His rejection on financial grounds of proposals of the Location Commission in 1847, excusable as it may have been when all colonial expenditure was jealously scrutinized by the House of Commons, was unfortunate. He underrated the difficulty of native policy. From lack of knowledge, he pictured to himself natives who were rather abstractions than men. Yet at that time all searchers for a native policy were working more or less in the dark. Grey did not interfere except in the financial question; and it did Shepstone, the first of the great South African native administrators, no harm to have to defend his ideas against an intelligent and vigorous, yet sympathetic, critic. Grey's relation to Shepstone bears out his claim to be considered as one of the chief figures in the history of British native policy.

The hopes of 1846 in South Africa seemed in 1852 to be far away. The vision of a dawning day of peace, security, and civilization had faded. Yet Grey had not altogether ceased to see the vision, though the war in Kaffraria and the confusion on the Orange River had dimmed it: so long as he remained at the Colonial Office there was a chance that he might see it clearly once again. If only Sir George Grey had come upon the scene in time—to find a Secretary of State who regarded South Africa as a laboratory of native policy, who had faith and foresight and was capable of rising to the occasion! Seldom, perhaps, is fate so kind. At any rate Lord Grey fell out of favour, and the policy of 'scuttle' held the field. He had faith, but not quite—alas!—the kind of faith that not only sees the light but communicates even to taxpayers and Treasuries something of the brightness of its vision.

¹ Brookes, *op. cit.*, p. 100.

XIII

NEW ZEALAND AND SIR GEORGE GREY

WHEN Lord Grey came into office the strife that had so long been raging in England upon New Zealand affairs was dying down: the New Zealand Company and the Government were slowly coming together. To all intents and purposes the parties had agreed that New Zealand should be given self-government; that the colony should in some way be politically divided in view of the difficulty of running Auckland and Wellington in double harness; that something should be done to provide land for settlement; and that some financial aid should be given to the Company. Now Lord Grey, as Chairman of the Select Committee of 1844 and as a speaker in the debates of the following year, had identified himself to no small extent with the Company's cause; and Charles Buller himself was a member of the Ministry and was to assist Grey at the Colonial Office. These men were surely destined to bring to the Company and to the colony all, and more than all, that Peel and Gladstone had promised them. Lord Grey was not a man to waste time. Before the session was out he had passed a Bill to confer representative government on New Zealand, and soon the settlement of the other vexed questions was in train.

The New Zealand Government Act (9 & 10 Vict., cap. 103) had been drafted by Stephen, who had long been an advocate of the grant of an Assembly to New Zealand.¹ It proceeded upon the assumption that the geographical features of the country, the isolation of the settlements, dotted here and there about the coasts with pathless forests between them, and the lack of any real community of feeling or immediate interest between the Company's settlers in the south and the seat of government at Auckland, necessitated something like a federal system. As if federalism was not complicated enough for a European community of less than twenty thousand souls, the Act went further and set up a threefold system of municipal, provincial, and general

¹ Minute (28 January 1843): CO 209/25; No. 97.

government which ranks it and the instructions of 23 December, which filled in the details, among the curiosities of constitutional history. The parts of the colony owned and occupied by Europeans were to be divided by the Governor into municipal districts, which were to elect a Common Council with the ordinary municipal powers: the franchise was to be almost universal, except that electors were to be able to read and write the English language. The municipalities were to be combined into provinces, and the Common Councils were to elect the provincial Houses of Representatives. The Provincial Assemblies were to be completed by a Governor and a Lieutenant-Governor and a Legislative Council appointed by the Crown. They were to have general legislative powers, though their laws were not to be assented to by the Provincial Executive without the previous sanction of the Governor-in-Chief. The provinces were intended to be the most substantial portion of the edifice, but they were not to cover the whole ground, for outside them were to be districts, demarcated by the Governor-in-Chief, in which the laws and customs of the natives were still to prevail; and in the rarefied atmosphere above them was a rather fragile General Assembly. It was to legislate on nine specific subjects only, and its laws were of course to override provincial laws. It was expected to meet only occasionally at first, and was to be formed from the Provincial Assemblies—the Governor-in-Chief selecting one-third of the members of each Provincial Legislative Council to form the General Legislative Council, and the House of Representatives of each province electing not more than one-third of its members to the General House of Representatives.¹

The complexity of the constitution was to be reduced by a kind of licensed Pooh-Bahism. There were to be only two provinces at first, though the colonists were threatened with more hereafter. Captain Grey was to be Governor of each province as well as Governor-in-Chief of New Zealand, and E. J. Eyre, the Australian explorer, was appointed Lieutenant-Governor to conduct the government of the province in which Grey was not for the time residing. When Grey

¹ Earl Grey to G. Grey (23 December 1846): *P.P.*, 1847, xxxviii (Cmd. 763), pp. 64 ff.

appointed the leading officials of the General Government to hold the chief provincial offices in the north he was acting quite in accordance with the spirit of the Charter and Instructions. The provisions for indirect election were designed to minimize friction, and doubtless it was realized that a simple settler might well be at the same time a common councillor—or an alderman, if he had expensive tastes—a provincial representative and a member of the General Assembly. Yet one cannot refrain from a feeling of amazement that Lord Grey should claim that the constitution was as like the English model as circumstances would allow; that *The Times* should commend the 'laudable anxiety of Earl Grey to profit by the suggestions of practical knowledge and the wisdom of experience';¹ that Stephen should have set about his drafting in the belief that Captain Grey's views in general coincided with his own.² It might be demonstrably the most logical constitution to give New Zealand, but the pioneer settler was not likely to stop and listen to the logic.³ He was certainly not that kind of political animal. Nor was a General Assembly elected in three stages an institution likely to encourage the growth of a real national feeling. Yet, as will be seen, these were not the worst mistakes of the constitution: it ignored a still more fundamental fact.

The Royal Instructions of December 1846 dealt with native policy as well as with self-government. Lord Grey shared the opinion of the Company that the policy pursued since the foundation of the colony had been mistaken, and he proposed to change it. The crux of the matter had always been the question of land titles.

'To that portion of the soil, whatever it might be, which they really occupied, the aborigines, barbarous as they were, had a clear and undoubted claim; to have attempted to deprive them of their patches of potato-ground, even so to have occupied the territory as not to leave them ample space for shifting, as was their habit, their cultivation from one spot to another, would have been in the highest degree unjust; but, so long as this injustice was avoided, I must regard it as a vain and unfounded scruple which would have acknowledged their

¹ *The Times*, 28 December 1846.

² Minute (10 July 1846): CO 209/42: No. 998.

³ Cf. Fox, *The Six Colonies of New Zealand* (1851), pp. 146-7.

right of property in land which remained unsubdued to the uses of man. . . . And, granting their title as such to have been good and valid, it was obviously a right which the tribes enjoyed as independent communities—an attribute of sovereignty, which, with the sovereignty, naturally and necessarily was transferred to the British Crown.'

In short, the New Zealand Company was justified in the principle for which it was contending. Fortunately at this point the statesman intervened to check the logic of the theorist; and Lord Grey admitted that the rights of the Crown could not now be asserted to tracts of land which particular tribes had been taught to consider their own. But it was not too late to do something. No further rights should be surrendered; all claims to ownership should be registered; and the native chiefs should if possible be prevailed upon to vest in the Crown, as trustee for the public, all land not actually occupied by themselves and by their tribes.¹ At the same time the division of the colony into 'provincial' and 'aboriginal' districts would go some way to meet the contention of the Company that different policies should be pursued in the north and in the south. No wonder the Company was pleased with the new policy.

'It sweeps away', remarked *The Spectator*, 'all the Treaty of Waitangi nonsense and all the past Downing Street plans for hindering the settlement of the islands.'²

Unfortunately the new native policy, like the new constitution, solved its problems by neglecting inconvenient facts.

Lord Grey was ready indeed to do more than give his sanction to the Company's theories: he was willing to put fresh life into the moribund body of the Company by a grant of material aid. It was saved from bankruptcy by a couple of Acts passed in fulfilment of the promise of Lord Stanley, which advanced £100,000 from the Imperial Treasury for seven years at 3 per cent.³ Its request for a new proprietary charter was refused, but its claim to redress for past wrongs was admitted. Lord Grey still believed it to be the best instrument for the vigorous colonization of New Zealand which was the end and aim of his whole policy. Accordingly Charles Buller was entrusted with full power to make an

¹ Earl Grey to G. Grey (23 December 1846): loc. cit.: (1 March 1847): CO 406/6.

² *The Spectator*, 2 January 1847.

³ 9 and 10 Vict., caps. 42, 82.

arrangement on behalf of the Government, subject to the conditions that pecuniary assistance was not to exceed a stated sum and that the arrangement was to be regarded as final.¹ Buller had reached a provisional settlement by March 1847, and urged that it be ratified.

'If you do not succeed in reviving the colonization of New Zealand that will itself be a bar to your colonizing any other part of the world. And whether you wish to restore New Zealand or to establish colonies elsewhere, be quite assured that the spectre of the New Zealand Company, destroyed in what was after all the best effort at colonization during the last hundred years, will scare every capitalist in the country from venturing in any similar enterprise.'²

Stephen was unfriendly: Russell and Grey hesitated:³ but Buller's enthusiasm gained him his point. The Government agreed to advance to the Company the entire amount requisite for meeting its creditors and conducting its colonizing operations for three years, and to give it the exclusive use of the Crown lands in the southern province of New Zealand. The Governor was to retain in his hands the management of all negotiations with the natives for land; but the Company was to pay for the land and dispose of it when purchased. A Commissioner appointed by the Crown was to be present at all meetings of the Company. The experiment was to last for three years, but should it fail, the Government accepted responsibility: the advances would be remitted, the lands of the Company taken over, and its contracts and liabilities recognized: and in consideration of the surrender of the lands, their value, reckoned at 5s. an acre, would become a debt of the land revenue of New Zealand.⁴ The Company could hardly have looked for a more generous recognition of its services. An Act of Parliament (10 & 11 Vict., cap. 112) was passed to sanction the arrangement and to stipulate for a minimum price of £1 per acre for the lands and for the

¹ Grey in House of Lords, 22 June 1852: *Hansard*, Third Series, vol. cxxii, pp. 1159-60.

² Buller to Grey (15 March 1847): *Howick Papers*.

³ Russell to Grey (9 April 1847): Memo. of Grey (19 June 1847): *ibid.* Grey's hesitations may, however, have been due to legal difficulties raised by Stephen but not upheld by the Law Officers.

⁴ Stephen to Trevelyan (6 May 1847): Hawes to Harington (10 May 1847): Earl Grey to G. Grey (19 June 1847): *P.P.*, 1847, xxxviii (Cmd. 837), pp. 100 ff., 117. Both the former letters were drafted by Buller.

expenditure of half the proceeds of sales on immigration and half on other specified objects. The Company had apparently triumphed all along the line: its advocacy of self-government had been successful, its views on native policy had at least been listened to, its *amour propre* had been satisfied, and its pecuniary claims admitted. Lord Grey for his part believed that his liberality towards colonists and Company, his firmness towards the natives, had repaired as far as possible the errors of Lord Stanley and ensured the peaceful progress of colonization in New Zealand.

It was, however, only on paper that the problems of New Zealand had been solved. The bases of the reconciliation between Government and Company bore little relation to the facts. Fortunately the Governor was equal to the situation. His policy had been conspicuously successful. After the termination of the war in the north he had gone to Wellington, and found natives and settlers in a state of open enmity, if not of actual war. The weakness of Government had had alarming consequences.

'The natives for a long period of time had driven the inhabitants from lands which they had fairly purchased, had often robbed them, had insulted the authorities if they remonstrated with them, and after having been warned that they would be expelled from these lands by force, had remained on the land, making deliberate preparations to resist that force. . . . A number of reckless young chiefs have sprung up, who, together with their bands of followers, recognize no laws but their own inclinations, and do not admit that the Government have either the power or the right to control them.'

Not unnaturally there was bitter feeling against the natives among the harassed settlers.¹ The restoration of order was no easy task, as the natives in their bush fastnesses were almost unassailable. Soon, however, an opportunity offered itself for striking a resounding blow. The chief Te Rangihaeata was in arms. The Governor received evidence that his old ally in the Wairau affair, the wily Te Rauparaha on his island of Kapiti, was plotting against the British power. In July 1846 he landed a party from a warship, seized Te Rauparaha, and kept him prisoner. It is disputed to this day

¹ Secret Memorandum on the State of the South (22 April 1846): *P.P.*, 1847, xxxviii (Cmd. 763), pp. 9-10.

whether there was sufficient evidence against the chief, but his seizure produced the desired impression. Te Rangihaeata was defiant, and though a force was sent against him he was not decisively defeated. In May 1847 trouble occurred at Wanganui and did not subside for some months. But July 1846 was the turning-point: Governor Grey was on all sides recognized as the dominating figure on the New Zealand stage.

He himself was well aware that the Maoris could not be governed by force alone. An army of say 2,500 men would be required for some four or five years, and it was advisable to facilitate future operations by obtaining better information, by building roads, and by prohibiting the arms and ammunition traffic; but no army which Great Britain could spare could hold the natives down until after a long and expensive war, and then the troops could not efficiently protect shepherds and agriculturists scattered through so wooded and difficult a country.¹ The restoration of order must be buttressed by a constructive native policy. The Maoris must be taught to realize their own interest in the maintenance of authority through the establishment of a native police force and through an increase in their contributions to the revenue, not by direct taxation, which could not be collected, but by means of the customs duties. Already the principal chiefs were beginning to see that customs duties paid for the Government and that it was therefore directly interested in their prosperity.² It was also necessary to provide an alternative to war by a more effective administration of justice. The Governor proposed to institute a system of Resident Magistrates with summary jurisdiction in disputes between Europeans and natives, so that speedy redress of injuries might take away every pretext for violence.³ Nor must it be forgotten that war was an occupation: the natives must be encouraged to form habits of industry both by means of industrial education and by employment on public works. At the same time their physical, material, and moral welfare must be promoted by the establishment of hospitals

¹ Secret Memorandum on the State of the South (22 April 1846): loc. cit.

² Grey to Stanley (14 May 1846): *P.P.*, 1847, xxxviii (Cmd. 763), pp. 15-16.

³ Grey to Gladstone (14 November 1846): *P.P.*, 1847, xxxviii (Cmd. 837), p. 79.

and savings banks, by the encouragement of agricultural improvement, by the prohibition of the sale of liquor, by the publication of a newspaper in Maori, by Government aid to missionary schools.¹ Above all it was essential to understand the Maori people and win their confidence: and Grey applied all his extraordinary personal gifts to the accomplishment of the task. He visited the different districts; he studied Maori legends and traditions; he got to know as few Europeans had done their ways of life and thought.

Finally it was necessary simultaneously to remove the settlers' sense of grievance. The Governor knew that the honour of England required a satisfactory solution of this problem of showing Maoris and settlers alike that in the long run their interests were the same. The first step was to abolish the Protectorate Department. The Protectors had been well-meaning men and had been useful as political agents, but when the Maoris held the settlements at their mercy the term 'Protector of Aborigines' had become a mockery: and they had been too ready to interpret their duty as that of taking sides with the natives against the colonists.² Grey dismissed the Chief Protector and appointed a new man with the title of Native Secretary, but he of course intended to direct native policy himself. The next step was to provide for the acquisition of native land for settlement purposes. First Grey had to repair the breach made in the Treaty of Waitangi by the 'penny an acre proclamation' of Captain FitzRoy. Not a little land had been acquired under the terms of this proclamation, but in Grey's opinion it was unjust to the natives, because it allowed of no competition between purchasers; to earlier purchasers, because they had paid £1 per acre; and to the colony generally, because many of the purchasers had been mere speculators, and because the variety of native claims made private purchase dangerous to peace.³ Though the proclamation had been disavowed the claims of purchasers under it

¹ G. Grey to Earl Grey (4 February 1847): CO 209/51. See also the review in Sir G. Grey to Earl Grey (9 July 1849): Bell and Morrell, op. cit., pp. 579-87. The Education Ordinance was Sess. VIII, No. 10.

² Swainson, *New Zealand and its Colonization*, pp. 183-4. Swainson, as Attorney-General at the time referred to, spoke from first-hand knowledge.

³ Grey to Stanley (9 June 1846): *P.P.*, 1847, xxxviii (Cmd. 837), pp. 7-9.

still remained. The Governor was able to obtain a decision of the Supreme Court declaring null and void the waiver of the pre-emptive right and thereby making virtually obligatory the terms of compensation offered by him for actual expenditure. He also passed an ordinance imposing a heavy penalty upon persons treating with the natives for the sale or occupation of their lands. The breach, it is true, was not wholly repaired: not only did these and other claims continue to disturb the quiet of Governors and legislators for many years, but Grey himself had to connive at the depasturing of stock on native lands in the Wairarapa. Still, this mattered comparatively little if there was now to be a real alternative policy.

There were two alternatives. One was that suggested by Lord Grey in the instructions of December 1846. The tenor of the instructions no sooner became known, however, than it became clear that it was impracticable to act on them. Bishop Selwyn, Chief Justice Martin, and other champions of native rights denounced them as a violation of the Waitangi Treaty.

'I am resolved, God being my helper,' wrote Selwyn, 'to use all legal and constitutional means befitting my station to inform the natives of New Zealand of their rights and privileges as British subjects, and to assist them in asserting and maintaining them, whether by petition to the Imperial Parliament, or other loyal and peaceable methods.'¹

True, Lord Grey disclaimed any desire to interfere with the Treaty, but with characteristic lack of finesse he had set forth his theory in full before announcing that he would only act on it in part. The report of the 1844 Committee had excited the suspicions of the natives and their friends, and their misunderstanding of Lord Grey's present policy was not unnatural. The registration of claims to ownership had been advocated by Governor Grey himself, but he soon realized that the time was not opportune.² And in reality these academic discussions were a waste of time. There was another and better alternative—to act upon the secret

¹ G. Grey to Earl Grey (7 July 1847): *P.P.*, 1847-8, xliii (Cmd. 892), p. 82.

² Grey to Gladstone (28 November 1846): CO 209/46: to Earl Grey (15 May 1848): *P.P.*, 1849, xxxv (Cmd. 1120), pp. 23-5.

dispatch of 28 June 1845 and purchase native land. Early in 1847 the Governor announced that blocks had been purchased at Porirua and the Wairau.

'The natives', he wrote, 'are now generally very willing to sell to the Government their waste lands at a price, which, whilst it bears no proportion to the amount for which the Government can resell the land, affords the natives (if paid under a judicious system) the means of rendering their position permanently far more comfortable than it was previously when they had the use of their waste lands, and thus renders them a useful and contented class of citizens, and one which will yearly become more attached to the Government.'¹

By keeping the purchases in advance of the actual wants of the settlers, the price could be kept down without real unfairness to the natives, whose reserves would after all steadily increase in value; and by paying the price in annual instalments, a hold would be maintained over the natives—again without unfairness, as they were apt to squander the money they received.² It would have been absurd to insist upon one policy when another was achieving the same end, and Lord Grey appreciated this fact and allowed the Instructions of 1846 to become a dead letter. After all, the Governor had resolution, and he had ideas: these were the main things. Lord Grey gave him therefore a military and financial backing that Lord Stanley had never given to his predecessors.

Everything, however, now turned upon the question of the constitution. There was no easy way out of this difficulty. The Governor had been warned, for after all Lord Grey was merely fulfilling the undertakings of Mr. Gladstone. He had himself said that 'there never was a body of settlers to whom the power of local self-government could be more wisely and judiciously entrusted' than the Cook Strait colonists. But he had not proposed to introduce the change there immediately, and in the north he had proposed to settle the land claims first.³ The new Charter was more than he had bargained for even in the south. In the north it would mean the government of a large native majority by

¹ G. Grey to Earl Grey (7 April 1847): *P.P.*, 1847-8, xliii (Cmd. 892), pp. 16-17.

² G. Grey to Earl Grey (26 March 1847): *ibid.*, p. 8: (15 May 1848): *loc. cit.*

³ Grey to Gladstone (7 October 1846): *ibid.*, pp. 1-2.

some 4,500 Europeans, for the restriction of the franchise to those who could read and write in English was a virtual exclusion of the natives, and no effective power in native questions would be retained by the Governor, who had no control over legislation and no permanent fund to administer for native purposes.¹ The natives would never submit to it unless compelled by military force. He suggested a delay of a few years in the north at least, until the natives were fitter to take a share in the government and the numerical disparity of the races was less marked; and he intended to refrain in the meantime from giving effect there to the part of the Charter and Instructions relating to representative government.² The dispatch was of course deferential in tone, but *The Times* was not far wrong in its pithy summary of what had happened to the constitution of which Lord Grey and his colleagues had made so much.

'Luckily for them and for all parties concerned, when their new Brummagem constitution arrived at the Antipodes, there was a man there of sufficient sense and sufficient determination to pack it up in a blue box and send it home again to Downing Street.'³

Fortunately Lord Grey was not a small-minded man: he was convinced by the Governor's arguments and at once informed him that the provisions for representative government would be suspended for five years. Indeed, he went farther than the Governor had ventured to recommend, for he thought it advisable that the suspension should apply in the south as well as in the north. He hoped that the Governor would at once proceed with the municipal part of the policy, as being the best preparation for wider powers; he would empower him to dispense in particular cases with the literary qualification for the franchise, and would empower the New Zealand Legislative Council to establish Provincial Councils if it should think fit.⁴ A heavy responsibility was

¹ In the matter of legislation, this objection applied also to the Act of 1852, and it was found important.

² G. Grey to Earl Grey (3 May 1847) (Confidential): printed in Bell and Morrell, *op. cit.*, pp. 97-102.

³ *The Times*, 15 December 1847. It is interesting to compare this with the earlier opinion quoted on p. 315.

⁴ Earl Grey to G. Grey (30 November 1847): *P.P.*, 1847-8, xliii (Cmd. 892), pp. 47-50.

imposed upon the Governor, as Peel and Gladstone pointed out in the debates on the Suspension Bill in 1848, but George Grey was a man who revelled in responsibility. He was certain to be involved in much unpopularity, for the southern settlers in particular felt that the cup of freedom had been snatched from their very lips: but on the other hand he had the power of working out his own ideas on native policy and of remodelling on his own lines the copy-book constitution of 1846. For after 1847 Lord Grey left his Governor virtually a free hand. And the colonists had at least the consolation that Parliament would still provide, as under a system of free institutions it could not be expected to provide, for a large part of the expenses of government in New Zealand.¹

Little was left now of the native land policy or the constitutional policy of 1846, but Buller's agreement with the Company still stood. Along with the pacification of the country by George Grey and the success of his land purchase policy, it led to a revival of confidence in the colony. The population, the customs revenue grew steadily: agriculture made slow and pastoral pursuits more rapid progress. At Auckland the number of speculators had always been greater in proportion to the genuine settlers, and there the new policy made little difference: it recovered more slowly. In the far south two new settlements were founded—each of them upon the Wakefield plan of colonization, and each of them under the patronage of the Company. The Free Kirk colony of Otago had originated about the time of the disruption of the Scottish Church in 1843, and the Otago Block on which it was fixed was purchased in 1844, but it was not until March 1848 that the first ship arrived and the colony was founded. In Otago most of the business after the selection of the emigrants and sale of the properties was done by the Company. In the case of Canterbury it did little more than provide the preliminary funds and put 2,500,000 acres in the colony at the disposal of the Canterbury Association, though no doubt it also served a useful purpose in acting as a buffer between Wakefield and the Colonial Office.

¹ Earl Grey to G. Grey (18 March 1848): *P.P.*, 1847-8, xliii (Cmd. 1002), p. 139. The Suspension Act was 10 & 11 Vict. cap. 5.

For Wakefield was at work again after his breakdown in 1846 and had enlisted the support of the single-minded and idealistic J. R. Godley.¹ The Association contained an imposing array of names, but these two were the life and soul of the project. Canterbury, like Otago, was based upon religious unity among the colonists and to a greater degree than any of the other Wakefield colonies embodied his idea of reproducing in the new country the society of the old. Emigrants were to be carefully selected; members of the Established Church were alone to be eligible; and the price of land was to be £3 per acre, each purchaser being required thereby to contribute alike to ecclesiastical objects and to education. When the scheme finally took shape it had but half-hearted support from Lord Grey, who thought that the Company, for the sake of attracting customers by the excitement of novelty, had once again forgotten the importance of concentration of settlement,² and little more, it appears, from some of the Directors of the Company itself.³ However, by the end of 1849 the Association had been incorporated by Letters Patent and Godley had left for New Zealand: next session the Association was authorized by Act to dispose of its lands at not less than £3 per acre, selling not less than £50,000 worth each year: and in September 1850, after many difficulties and anxieties, the first body of settlers went out to join their leader. Canterbury no doubt hardly fulfilled the sanguine expectations of its founders, but it was an unquestionable success.

Before Canterbury became an accomplished fact, however, the arrangement of 1847 had broken down. Mr. Fox, who succeeded to the Principal Agency on the death of Colonel Wakefield at the end of 1848, made difficulties about paying the natives for the land purchased in the South Island. Sir George Grey complained that Fox was using his influence to embarrass the Government. He was impatient of the division of authority caused by leaving one authority to govern and another to colonize.

‘The local Government will be deprived of that source of revenue to which it ought chiefly to look for the purpose of benefiting the

¹ See below, p. 474.

² Grey to F. Baring (4 October 1849): *Howick Papers*.

³ Wakefield to Hutt (25 November 1849): *The Founders of Canterbury*, p. 149, &c.

native race, and for the construction of public works on which they should be employed. It will also have removed from its control the means of purchasing from the natives those tracts of land the acquisition of which it may deem necessary . . . That is, with all the responsibility thrown upon it, it will be deprived of the powers essential to the efficient conduct of a government . . . The New Zealand Company, through its agents, will have the greater share of the power and none of the responsibility.¹

The fact is that Sir George Grey was temperamentally unfitted to work such an arrangement; and besides, he disbelieved in the Wakefield high-price system. And at home the Directors soon began to complain that they had been led to believe that extensive tracts in the South Island were already Crown property, and that the sale of these lands and others purchased from the natives would provide funds for further purchases, whereas the Crown had not in fact asserted its title and purchases had been unexpectedly costly.² These complaints were probably due in no small measure to the renewed activity of Wakefield, who hated the agreement of 1847 and always minimized Buller's share in it.³ In the course of 1848 Wakefield transferred his affections from the Company to the Canterbury Association, and perhaps for this reason the complaints were silenced without the additional advance of funds for which the Directors had asked. But in 1850, when the three years' term was drawing to a close, the complaints began again. Hardly any land had in fact been sold. The real reasons were pretty clearly that capitalists found other investments more attractive; that purchasers found that they could acquire land much more cheaply from private owners; that the Directors had themselves glutted the market by their decision to compensate their settlers in land for the delays and difficulties of the early days.⁴ The reasons alleged were of course not these. The Company had not been given sufficient time; the Government had failed to enforce the laws against squatting

¹ Sir G. Grey to Earl Grey (24 March 1849): *P.P.*, 1850, xxxvii (Cmd. 1136), pp. 70 ff. The Governor had been gazetted K.C.B. in April 1848.

² Harington to Grey (26 June 1848): *P.P.*, 1852, xxxv (H.C. 570), pp. 164-6.

³ See, e.g., *The Founders of Canterbury*, p. 292.

⁴ Marais, *The Colonization of New Zealand*, pp. 146, 213-14. Cf. also Minute of Cox, the Government Commissioner (13 August 1850): CO 209/85.

and individual dealings in land with the natives; the Directors had misunderstood the amount of the demesne lands of the Crown.¹ They coolly proposed that the existing arrangement, with a guaranteed payment of $3\frac{1}{2}$ per cent. on the £268,000 promised at its termination, should be continued until the Colonial Assembly should assume control of lands. When this was unhesitatingly refused, the Court of Proprietors decided to surrender their charters on 5 July.

It is difficult to regret the passing of the Company. Wakefield's comment is well known: 'My incapacity changed the whole character of the direction . . . which then fell into the hands of a few persons in whose minds sound principles of colonization were as nothing compared with pounds, shillings, and pence.'² It is questionable whether in its earlier days the Company had had as little eye as Wakefield pretended to the profits of its shareholders. It is very questionable whether Wakefield was capable of passing an unbiased judgement upon the agreement: he always conveniently forgot that it was his friend Charles Buller who had made the Company, as he complained, a mere department of the Colonial Office. But there is an element of truth in his remark. Throughout the correspondence of the Company with the Government there is a querulous nagging tone, a never-ending insistence that the Company has been betrayed and misinformed, but before 1846 there is at least a redeeming enthusiasm. The fact is that Wakefield was the soul of the Company: with him, it was impossible to work with the Colonial Office; without him, it was impossible to do effective work at all. There is no reason to believe that where Buller failed any other man could have succeeded.

The Company's settlements were now strong enough to do without it, and indeed colonial opinion had turned against it. And a legacy of troublesome questions was left behind. The Law Officers of the Crown held the existing 'terms of purchase' in the settlements still binding, and for some years the land question in New Zealand was involved in almost inextricable confusion. Attempts to introduce some uniformity of system, which culminated in Sir George Grey's land

¹ Harington to Grey (18 June 1850): *P.P.*, 1851, xxxv (Cmd. 1398), pp. 5-10.

² Quoted by Marais, *op. cit.*, p. 210.

regulations of March 1853, were finally abandoned, and the solution of the problem was found in handing over virtual control of lands to the provincial councils set up by the Act of 1852. A no less thorny problem was that of the lien on the land fund, to the amount of £268,000, given to the Company under the terms of the 1847 agreement. Refusing the suggestion of an Imperial guarantee, the Government in return proposed that the claim should be commuted for a smaller sum to be raised by a loan on the security of the general revenue of the colony. The Directors were willing to accept some such arrangement, but it was dropped on account of opposition in the House of Commons—supported by no less a person than Mr. Fox, now the representative of the Wellington colonists, but formerly the Principal Agent of the Company itself. The arrangement embodied in the Constitution Act, in the face of protests from Molesworth and Gladstone, was that one-fourth of the proceeds of all land sales in New Zealand should go to the Company in gradual liquidation of its debt; but the eventual solution was a return to the commutation plan, a colonial loan of £200,000 being raised in 1856 for the purpose. Then, at length, the last was heard of the New Zealand Company.

After 1846, as never before, it is with a feeling of straying from the path that one follows the fortunes of the New Zealand Company. The destiny of the colony was being determined by the policy, and particularly the native policy, of Sir George Grey far more than by any other thing. The Charter of 1846 had been based upon a distinction between 'provincial districts' and 'aboriginal districts' in which native custom rather than British law was to be observed. The suspension of the constitution did away with the necessity for the distinction, but the problem it was designed to solve remained. The customary sanctions that hold a tribal society together were breaking down. The chief Tamati Ngapora wrote anxiously to the Governor:

'I learn from Europeans that servants who rebel or disobey their masters are taken before the magistrates and judged. Wherefore are the Maoris without some law to meet this? Formerly our word had

some weight, but now it is lost. The slaves look upon themselves as equals with their fathers, the chiefs.'¹

It was a difficulty which the Governor could not but admit to exist. The only question was whether by the policy we have already outlined he was choosing the best way of meeting the difficulty. Lord Grey was doubtful. He by no means thought it desirable that in establishing the more complex institutions of European civilization the ancient Maori system should be suddenly and entirely swept away. Could not the distinctions of rank among the natives be saved from obliteration? Would it not be possible 'to promote a similar change in the state of society in New Zealand to that which at a remote period took place in this, and at different times in other European countries'—to transform the chiefs into a territorial aristocracy, owning the land, having the same right to dispose of it as any British proprietor, receiving payments in kind or money from native cultivators, and exercising some sort of semi-magisterial authority?² Sir George Grey never gave a direct answer to this question, but his policy in effect answered it in the negative. Presumably he thought that Lord Grey still considered the natives too much as isolated from the Europeans. His own great aim was to bring home to the Maoris—and for that matter to Europeans also—the fact that Maoris and Europeans were, and must be in increasing measure, members of a single community. To buttress up native customs would have been a retrograde step, setting, or seeming to set, two communities up in opposition one to the other. The breakdown of Maori society as such might be a matter of years, and indeed generations, but it was bound to come in the end.

'The utmost, therefore, that any Government could hope to do was to establish institutions which might imperceptibly but certainly lead to so complete a change of manners in a barbarous nation as was contemplated; and to secure these institutions by such laws and such a constitution as appeared to afford a reasonable guarantee for their perpetuity, the first step to be taken . . . appeared to be, to convince the natives that our laws were better than their own, as affording more

¹ G. Grey to Earl Grey (3 April 1848): Enclosure: *P.P.*, 1849, xxxv (Cmd. 1120), pp. 18–19.

² Earl Grey to Sir G. Grey (27 December 1848): CO 406/9.

perfect security for life and property, and a much more ready means of adjusting differences which might arise either between natives and Europeans or amongst natives themselves.' ¹

This was the object of his system of Resident Magistrates with native assessors for the settlement of native disputes. Not that he neglected the chiefs: he gave small salaries to several of them and appointed them assessors: it was to his personal influence over them that he chiefly looked for the preservation of peace. His approach to the native problem was different from Lord Grey's, but his aim was identical—amalgamation without war—and he was hopeful of success.

So convinced was Sir George Grey that he had chosen the right alternative that he never fully realized the problems that his policy had raised. In the end there was a Maori war after all. He has often been held partially responsible, and the most recent writer on the subject concludes that, 'in spite of many excellent intentions and some measure of solid achievement', his native policy must be judged in the long run to have failed.² His land-purchase policy was a great success: after Porirua and Wairau, blocks at Hawke's Bay and Wairarapa in the North Island, at Waitohi and between Nelson and Otago—the vastest of all—and finally the Murihiku block in the South were purchased one by one for comparatively trifling sums. But when it became clear to the Maoris that in the long run they were destined to own but a small part of their country, there was certain to be a reaction. After Sir George Grey's departure this reaction took place and the 'Maori Land League' bound its members to make no further sales. Moreover, Grey's personal influence, the special relation as of a paramount chief in which he stood towards the whole Maori race, compensated in a sense for the declining authority of the chiefs by strengthening the feeling of nationality among the Maoris. He did not, however, leave behind a framework of institutions or a body of trained men to fill the gap that his departure caused; and accordingly the able chief Wiremu Tamihana attempted to fill it by organizing the Maori King movement, which was one of the great contributory causes of the war.

¹ Sir G. Grey to Earl Grey (9 July 1849): see Bell and Morrell, *op. cit.*, pp. 579–87.

² Marais, *op. cit.*, p. 275.

Sir George Grey was apt to magnify his successes: it is clear that the influence of British law and justice did not spread as widely as he represented and very probably believed. On the other hand there is a *non sequitur* in the argument that Sir George Grey's policy failed because 'it did not avert that war of races which it set out to circumvent'. After he left, the authorities, busy with the transition to responsible government, took no positive steps to follow up Sir George Grey's successes until 1858, when things had gone too far. In the opinion of Sir William Martin, one of the greatest authorities on Maori affairs, the chief requisites in 1860 were more adequate compensation for lands sold; more liberal salaries to native magistrates; and the recognition of the native *runangas* or councils.¹ Only the last of these involved any new departure, and it was not really out of accord with the spirit of Sir George Grey's policy, as he himself showed when he returned to the colony in 1861. The transition to responsible government itself no doubt brought with it new elements of difficulty, but Sir George Grey can by no means be blamed for that. It is said that his policy was one of Europeanization: the answer to that question-begging criticism surely is that New Zealand has on the whole solved the Maori problem with very remarkable success, and solved it in the spirit of Sir George Grey by welding the two races into one society. It is hard to condemn a man because he did not solve the whole problem in eight years. Place Sir George Grey's policy in perspective; compare it with the chaos which preceded it and the drift and division of opinion which followed it; search for a parallel to Sir George Grey's 'measure of solid achievement' in Victorian colonial policy; and surely it is apparent that his is one of the greatest names in the history of British relations with native races—that few men could have succeeded as he succeeded and none perhaps have succeeded where he failed. Not the least of Lord Grey's claims to distinction is that he discerned Sir George Grey's quality; gave him ungrudgingly moral, financial, and military support; and where he differed in opinion never attempted to dictate.

Though native policy was all-important in New Zealand,

¹ Memorandum (12 May 1860): *P.P.*, 1860, xlvii (H.C. 552), pp. 8-10.

the constitution continued after 1848 to be the centre of interest, at least so far as the colonists were concerned. The only immediate result of the Act of 1846 was the proclamation of 10 March 1848, dividing New Zealand into the provinces of New Ulster and New Munster, respectively north and south of a line running due east from the mouth of the Patea River. Later in the year an Ordinance was passed, in the face of protests from some of the unofficial members of the Legislative Council, providing for nominated Provincial Councils. The Governor quietly introduced a new principle, giving the General Legislature not only exclusive power in certain matters, but also concurrent power over the whole field. At the same time he outlined a complete constitution which he recommended Lord Grey to adopt in four or five years' time when provincial boundaries should be more fixed, the European population more numerous, and the natives more tranquil: to this the present Ordinance was intended as a preliminary step. In the end the General Assembly should consist of one nominated chamber and one chamber directly elected on a fairly wide franchise, to which natives might on certain conditions be admitted—the provincial councils of one chamber, one-third nominated, two-thirds elected. The apportionment of powers between general and provincial legislatures would meanwhile have been tested by experience. For the next few years a civil list of £10,000 should be reserved in each province so that some money should be available for the virtually unrepresented natives. The General Assembly should be able by reserved Bill to modify the powers of the provincial councils: thus

'ultimately, as the means of communication become more perfect, and the spread of population unites the now scattered settlements into one community, the Provincial Legislative Councils may more and more merge into the form of District Councils, with extended powers of legislation.'

At first, however, the work of the provincial councils would be the more important. There would be no immediate necessity, when the constitution came into operation, for summoning a General Assembly.¹

¹ Sir G. Grey to Earl Grey (29 November 1848): *P.P.*, 1850, xxxvii (Cmd. 1136), pp. 9 ff.

The enactment of a Provincial Councils Ordinance had been clearly envisaged by Lord Grey, and he also agreed in general with the modifications proposed in the constitution of 1846.¹ The colonists, however, were more interested in representative government than in the provincial system, and the Ordinance of 1848 by no means consoled them for the passage of the Suspension Act. They considered nominee councils peculiarly objectionable, as Sir George Grey himself admitted; and they were not satisfied with the reasons he gave for delaying representative institutions. The Settlers' Constitutional Association at Wellington pointed out that the Parliamentary grant had been made in 1846 when the free constitution was conceded, and did not see why it should come to an end. The Governor had misrepresented their attitude towards the Maoris, and they denied that the situation in the southern province justified delay: besides, his veto was a sufficient safeguard against measures prejudicial to the natives.² His real object, they insinuated, was to postpone the introduction of a representative constitution until he left the colony and yet to obtain the credit of having framed it.³ The settlers at Nelson expressed a willingness to forgo the Parliamentary grant if necessary.⁴ These complaints had the strong sympathy of the Colonial Reformers in England. They believed the success of Sir George Grey in conciliating the natives to be delusive—dependent upon the presence of troops and the 'lavish' payments he was making for native lands—and were still in favour of leaving the natives as far as possible alone, granting, however, free institutions to the colonists in the south.⁵ The agitation had even some effect upon Sir George Grey. In November 1849 he rather suddenly discovered that

¹ Earl Grey to Sir G. Grey (22 December 1849): *P.P.*, 1850, xxxvii (Cmd. 1136), pp. 246-7.

² The fact that at the end of 1850 a Committee containing such men as Godley and Featherston thought the natives so inevitably doomed to extinction that the native franchise was merely an academic question is an illuminating commentary upon the settlers' point of view.

³ Sir G. Grey to Earl Grey (25 September 1849): Enclosure: *P.P.*, 1850, xxxvii (Cmd. 1280), pp. 45-52.

⁴ Sir G. Grey to Earl Grey (12 February 1849): *ibid.* (Cmd. 1136), p. 118.

⁵ Wakefield to Molesworth (13 July 1849): *The Founders of Canterbury*, pp. 94-6. At one time Wakefield had hopes of getting a Bill passed in despite of the Government.

matters had so much improved that he was ready to introduce the constitution at the beginning of 1851, should it be thought desirable to settle concurrently the future form of government of New Zealand and the Australian Colonies.¹

No notice, however, was taken of this proposition at home, and in the colony there was an ever-increasing volume of criticism of the Governor. In September 1850 the members of the New Munster Provincial Council, the only one yet called, resigned, and it was found impossible to fill their places. The Ordinance of 1848 had become in fact a dead letter, and the Governor, still intent upon making the transition gradual, proposed to make the provincial councils two-thirds elective. The franchise should be the same for both races, but electoral districts should be constituted only in the regions densely inhabited by Europeans.² This dispatch crossed one from Lord Grey, announcing that more pressing business forbade the hope that a New Zealand Constitution Bill could be passed into law at the session of 1851, and suggesting the enactment of a Provincial Councils Ordinance very similar to that now proposed.³ In the colony, however, the reception of the new Bill was far from favourable. A public meeting at Wellington pledged itself 'to resist its introduction by every constitutional means'; took a hint from the Cape and suggested the drafting of a constitution by a Council in which the officials were joined by individuals chosen by public meetings in each settlement; and demanded responsible government and the control of all 'local matters', including lands, according to the plan now advocated by Sir William Molesworth.⁴ Nelson wanted universal suffrage, vote by ballot, and municipalities with large powers rather than a pretentious and costly provincial machinery.⁵ It was indeed clear that in this last respect it

¹ Sir G. Grey to Earl Grey (30 November 1849): *P.P.*, 1850, xxxvii (Cmd. 1280), p. 104.

² Sir G. Grey to Earl Grey (24 October 1850): *P.P.*, 1851, xxxv (Cmd. 1420), pp. 55-63.

³ Earl Grey to Sir G. Grey (19 February 1851): *ibid.*, pp. 193-4.

⁴ Sir G. Grey to Earl Grey (8 and 12 February 1851): Enclosures: *ibid.*, pp. 139-40, 161-5. There were in fact two meetings and the more detailed proposals are to be found in the Report of a Committee appointed by the first meeting and reporting to the second. On Molesworth's proposals see below, pp. 492 ff.

⁵ Sir G. Grey to Earl Grey (29 January 1851): Enclosure: *ibid.*, p. 111-22.

was now time to remodel the existing scheme, for both the Otago and the Canterbury settlements were intensely conscious of their own individuality and must needs be given a provincial organization of their own. Though Sir George Grey actually passed his Bill into law in July 1851, a new situation had already arisen, and with the Ordinance he also sent home new proposals, obviously designed in this case to be final, for meeting it.

The proposals were prefaced by an able review of the geographical and social conditions in New Zealand, leading to the conclusion that neither centralization nor a municipal system but an extension of the provincial system should form the basis of its constitution. There should be five provinces—Auckland (or New Ulster), Wellington, Nelson, Canterbury, and Otago—with partly elected Councils, and with powers of legislation rather more restricted than in the present Ordinance. The General Assembly should have power to create new provinces if necessary. The officer administering the government of each province should be given the name of ‘Superintendent’ rather than the more pretentious title of Lieutenant-Governor, and should be elected by the people. If all Provincial Executives were to be nominated, Grey foresaw unlimited claims for compensation when a freer system of institutions was eventually established. When the interests of existing office-holders at Auckland, Wellington, and Nelson permitted the entire introduction of this system,¹ the provincial councils should also become wholly elective. They should be elected for two years only, and their Ordinances should not be referred home; but as he had changed his opinion and now thought the provincial system likely to be permanent, a second chamber should be permitted in due course. In the General Assembly the Upper House should be elected by the provincial councils—a suggestion of Lord Grey’s²—the Lower House directly elected for five years on the same franchise as the provincial councils. At first it would require to meet only occasionally.

¹ At Nelson there had been a Superintendent, under the general control of the Government of New Munster, since 1848.

² Earl Grey to Sir G. Grey (19 February 1851) (Confidential): CO 406/12. Cf. his proposal at the Cape: above, p. 280.

For the present the Governor should have large powers, in which he thought the large majority of the people would contentedly acquiesce, in the matters of Crown lands and of the expenditure of the civil list proper and of £7,000 to be set aside for native purposes. He should also possess some control over provincial superintendents.¹

Fox was already in England urging upon the Government the claims of the colonists, and his views, interspersed though they were with attacks on Sir George Grey, were in many ways similar to those put forward in this dispatch. Lord Grey at once set about the preparation of a Bill. He accepted Sir George Grey's suggestions in the main, but he objected to the proposed constitution of the provincial councils and to the election of the superintendents. The powers of the councils were to be much more than merely municipal: accordingly they should be elected not for two years but for four, one-third of their members should be nominated, and their laws should not be exempt from the veto of the Crown. It would be virtually impossible to remove or suspend, and therefore to control, an elected superintendent, and besides, according to British constitutional principles, all executive authority should emanate from the Crown: the Crown therefore should nominate the superintendents. They should, however, be chosen from among the colonists, and the provincial governments should be as inexpensive as possible. Lord Grey also proposed to entrust the General Assembly with wide powers of altering the constitution and thereby gradually adapting it to the wants of the community.²

It was not however to Lord Grey, but to his successor, that there fell the task of introducing the measure which finally became law. Sir John Pakington at first, indeed, intended to continue the existing form of government for another year, but he yielded to the representations of Fox and his fellow colonist F. A. Weld, Gibbon Wakefield, Henry Sewell, and Lord Lyttelton—supported apparently by Gladstone—and introduced on 3 May 1852 a Bill not

¹ Sir G. Grey to Earl Grey (30 August 1851): *P.P.*, 1852, xxxv (Cmd. 1475), pp. 21 ff. Extracts are printed in Bell and Morrell, *op. cit.*, pp. 143-7.

² Earl Grey to Sir G. Grey (23 February 1852) (Draft): *P.P.*, 1852, xxxv (Cmd. 1483).

very different from that of Lord Grey. The chief alterations were that the province of New Plymouth was added to those proposed by Lord Grey and by the Governor; that the Provincial Councils were to be wholly elective, owing to the limited nature of their duties and the jealousy of nominees existing in New Zealand; that they were not to have the power of dealing with Crown lands; that the power of assenting to their Ordinances was to be delegated to the Governor; and that the Legislative Council was to be nominated, and not elected by the Provincial Councils. Pakington regarded the provinces not as units in a federation but as 'portions of one Colony, having each a local legislature or government, not exactly in the nature of a municipality, but still approaching that character';¹ and, acting on the same principle, he later agreed to go one step further and restore the elected superintendents suggested by the Governor.

The debates on the Bill revealed a general agreement on the broad principle, but considerable divergence as to details. The nominated Upper House—and the nominated superintendents before the alteration—the clauses already mentioned dealing with the position of the New Zealand Company, and the provincial system set up by the Bill were the chief targets of criticism. Pakington defended nomineeism in the Upper House on the simple, if not altogether conclusive, ground that it was British. It was in vain that Gladstone and Molesworth and the Duke of Newcastle attacked, as in the Australian debates of 1850, the idea that the Mother Country had some anti-colonial interest to be defended by the nominees; and that Lord Grey denied that nominated legislative councils were working well in the colonies, and scornfully declared that 'the House of Lords was an institution altogether peculiar to this country, that Parliament could no more create than it could create a full-grown oak'.² Tradition was too strong, and the nominated Legislative Council was retained.

The opposition to the provincial clauses was led by Molesworth in the House and supported by Lowe in *The Times*.

¹ *Hansard*, Third Series, vol. cxxi, p. 110.

² *Ibid.*, vol. cxxii, pp. 1169-70. On the Australian debates see below, pp. 373 ff.

Molesworth liked the veto of the Governor on provincial bills as little as he liked the veto of the Crown on colonial bills.

'Surely this would be a most complicated machine for the government of 26,000 Europeans and about 100,000 savages—a most Brobdingnagian Government for a series of Lilliputian States.'

If judges could go about from province to province to administer the laws, as appeared to be the case, could not legislators meet in one province to make them? He predicted a perpetual conflict between the general and provincial legislatures, ending either in a municipalized system such as he proposed, or in a federal system, which he did not desire to see.¹ Adderley and Gladstone, on the other hand, thought the provincial principle was hardly carried far enough, and objected to the concurrent legislative powers given to the General Assembly. Molesworth did not press his opposition to a division. Events in one sense justified his predictions,² but in reality the embodiment of such a provincial system in the Act was at the time essential if free institutions in New Zealand were to work at all.

The other criticisms need not detain us: the general welcome given to the Bill is far more important. It was not unjustifiably claimed to be the most liberal colonial measure since the American Revolution. It conceded the control of lands, not, as Lord Grey wished, to the provinces, but to the General Assembly. It reserved a civil list of £16,000—£7,000 being for native purposes—but the Assembly might, subject to certain not very harassing conditions, alter the amount. The lien upon the land sales given to the New Zealand Company until the extinction of their debt was a restriction of no small importance, but the reservation of the powers of the Canterbury and Otago Associations over their lands lapsed before the Act came into force. In regard to the provincial system, its existence as such was guaranteed, but there were none of the elaborate amendment provisions of federal constitutions. The Crown reserved power to maintain the laws, customs, and usages of the Maoris within proclaimed districts and to purchase

¹ *Hansard*, Third Series, vol. cxxi, pp. 925–8, 932–7.

² The provincial system was abolished in 1875–6.

native land.¹ The most important restriction, however, was not in the Act: it lay in the omission from the covering dispatch of any reference to responsible government. Representative and responsible government had never yet been given to a colony simultaneously: and here of course the concession would raise the question of Imperial responsibility for native races. It was not a point to be lightly yielded, and as yet there had been no very insistent demand.

Despite his somewhat equivocal attitude in delaying to summon the General Assembly, the main credit for the Act²—which was on the whole received by the colonists with entire satisfaction—undoubtedly belongs to Sir George Grey. Adderley in 1869 entered a claim on behalf of Wakefield,³ and it may be true that he and his associates saved New Zealand from having to wait until the session of 1853: but beyond that there is no foundation for the claim. Sir George Grey had advised delay in 1847, and his policy had justified itself. True, the Act was merely a development of the principles which had lain behind all the successive constitutional proposals since the great House of Commons debate on New Zealand in 1845. But Parliament had accepted responsibility for the Act of 1846, and this was a very different Act. It was Sir George Grey who was mainly responsible for adapting the doctrinaire Act of 1846 to the circumstances of New Zealand.

Lord Grey, however, should not be deprived of his share of credit. After sending out an impracticable constitution in 1846 he showed a commendable willingness to postpone and modify it in deference to the Governor's representations. Whilst he supported Sir George Grey's authority in the difficult transitional period, he never lost sight of the necessity of introducing free institutions as soon as this could be done with safety. He proposed to make the same surrender of control of lands for which Pakington was so warmly commended, and the provinces, to which he meant to give them, were the authorities which in fact controlled them. He showed as usual an exaggerated

¹ The first power was never acted on.

² 15 & 16 Vict. cap., 72.

³ Childe-Pemberton, *Life of Lord Norton*, pp. 91, 113. There is a draft in the Colonial Office Records which may be the one referred to by Adderley, but the Bill was not 'based on' this.

distrust of colonial democracy, but his successor was not free from the same fault; and he foresaw more clearly than Pakington the extent to which the provincial system would at first approximate to a federal form of government.

It is difficult to say of Lord Grey's policy towards New Zealand that it was a success. From 1848 on, the policy of the Imperial Government was in fact Sir George Grey's and not their own. As for the policy of 1846, it is one of the usual counts of the indictment of Lord Grey as a doctrinaire. But if it was essentially a doctrinaire policy, the abandonment of it in deference to Sir George Grey's opinion shows that a doctrinaire may also be a statesman. The reconciliation of self-government and trusteeship is a problem of the utmost difficulty, and if it was only the common-sense policy to follow the advice of an able man on the spot who understood the natives, it must be remembered how often statesmen have flown in the face of common sense. In the field of native policy the period was essentially one of experimentation, and whether or not Sir George Grey was always right the path of wisdom was undoubtedly the path of trust. Into the field of systematic colonization Sir George Grey did not enter. The attempt of 1847 was perhaps worth making, but it was almost certain, the Company being the Company and Wakefield being Wakefield, to fail. Lord Grey cannot be blamed for the failure. Lord Grey's methods failed to achieve his ends, but he had rightly apprehended what those ends should be: he realized from the first that New Zealand must be treated as a field for colonization and not as a mere native preserve, and he never hesitated, as Stanley hesitated, to act on that belief. When his own methods failed he was ready to let another man to try other methods, and, what is more, to give that man his unequivocal support. If New Zealand revealed some of the defects of Lord Grey it revealed also some of his best qualities.

XIV

SYSTEMATIC COLONIZATION IN AUSTRALIA

THE first problem facing Lord Grey in the Australian colonies was the settlement of the squatting question in New South Wales. Stanley and Gipps had begun to sketch out the principles of a settlement, and the squatters, still dissatisfied, had petitioned the Secretary of State for better terms and sent delegates to England to reinforce the written with the spoken word. Mr. Cunninghame urged that the rent of runs should be regulated by their stock-grazing capacity as determined by a special jury; that the rents should be placed at the disposal of the Governor and Legislative Council; that the occupant should retain possession until the land was opened for sale; and that he should be allowed to purchase his homestead and improved sections of his run at a fixed minimum price payable by instalments.¹ This was more than Grey was prepared to give, but he was ready to go some way beyond the seven years' leases at auction of Stanley's Bill; and to give eight years' leases without competition, renewable at a higher rent, and compensation for improvements, up to three years' value, on sale of the land or expiry of the lease.² Soon the insistence of the squatters had driven him a little further, for by the Act 9 & 10 Vict., cap. 104 he took power to grant leases up to a maximum of fourteen years.³ The next step was to frame an Order in Council in pursuance of this Act. By November 1846 its main principles had been decided; and the intervening months had brought further concessions. The lands of New South Wales were to be divided into unsettled, intermediate, and settled districts. In the unsettled districts the leases were to be for fourteen years, at a rental according to carrying capacity as determined by arbitration, the minimum being £10 for four thousand sheep

¹ See Report of C. L. and E. Commissioners (15 July 1846): CO 201/371.

² Boyd to Grey (10 August 1846): CO 201/372. A draft Bill is there discussed.

³ No land was to be sold under the Act otherwise than in conformity with the Land Sales Act, except to persons in actual occupation thereof, and none in any case below the minimum price of £1.

and the increment £2 10s. for every additional thousand: the present occupants were to be entitled to leases, and to a renewal at an increased rent if the run should still be within the unsettled districts: during the currency of the lease land was to be saleable only to the lessee: and at its expiry he was to have the option of purchase at the fair value, not being less than £1 per acre, or alternatively the value of the improvements. In the intermediate districts—a classification first suggested by Mr. Cunninghame—leases were to be for eight years, with liability to sales, subject always to the right of pre-emption, at the end of every year. In the settled districts leases were to be for one year only.¹ On 9 March 1847 the Order in Council was completed after consultation with Gipps, who had returned to England. The chief changes were that restrictions were imposed on the shape and water frontage of lots sold to lessees and that the classification was not left to be settled on the spot, but embodied in the Order itself.²

Long leases, renewals, pre-emption—these were concessions which made the settlement a very favourable one for the squatters, though Mr. Boyd and the Colonial Agent, Mr. Francis Scott, still grumbled at such things as the insecurity of tenure in the intermediate districts.³ Yet Lord Grey hoped that, whilst encouraging the squatter to improve his land, he had safeguarded the interests of agriculture:

‘In justice to the poorer class of settlers, I consider it of vital importance, that in allowing wild lands to be occupied for pasturage, the property of the Crown in these lands should be effectually protected, so that as they are wanted for settlement, they may be sold at a price which, while it is too high to admit of large tracts being obtained possession of by grasping speculators, is yet sufficiently moderate to throw no difficulty in the way of the industrious settler, who desires to purchase and to improve a farm of moderate extent.’⁴

The words ring true; but in the colony a large party, headed by Robert Lowe, denounced Lord Grey for virtually handing over the lands to the squatters, by giving them

¹ Grey to FitzRoy (29 November 1846): Enclosure: *P.P.*, 1847, xxxviii (H.C. 252), pp. 4–6.

² Bell and Morrell, *op. cit.*, pp. 241–9.

³ Boyd to Grey (21 November 1846): CO 201/372. Scott to Grey (19 December 1846): CO 201/374. Cunninghame was fairly well satisfied.

⁴ Grey to FitzRoy (29 November 1846): *P.P.*, 1847, xxxviii (H.C. 252), p. 3.

a right to hold their runs until some one was willing to pay £1 per acre for them.

'Long before the period of 14 or even 8 years expires, the squatters will be all-powerful in the Legislature—and most of the influential residents within the boundaries will have as friends, as relations, or creditors, the strongest motives to assist them in asserting their claims.'¹

And most historians have leant rather to Lowe than to Lord Grey. The Order in Council, says Jenks, undoubtedly gave an opportunity to the squatters to gain a moral, and in some cases a legal, title to the freehold of their runs.² Coghlan, while not altogether condemning Lord Grey, thinks that it cannot have occurred to him that the interests of the squatters were opposed to the interests of the other colonists.³ 'Gipps', says Roberts, 'had fought for security but not an irrevocable security, for rights but not permanent rights. A scheme which purported to carry out his ideas really abandoned them in order to conciliate powerful interests.'⁴

There is, however, not a little to be said in Lord Grey's defence. Though he sought to do justice he was well aware that the interests of present squatters and future settlers were not one and the same. But the accredited agent of the Legislative Council, Mr. Scott, was one of the foremost champions of the squatters' claims.

'If there are counter-interests', remarked Elliot, 'they should have made themselves heard. In popular forms of government, and especially in so democratic a society as New South Wales, it would be idle and unjust to expect that any administration could insist on what it *imagines* best for some class which gives no token of its own wishes for it, but on the contrary tacitly appears to confirm the general demand for an opposite measure.'⁵

Doubtless Gipps's original position had been left far behind, but there had been no sudden surrender. Rather there had been a running fight. The squatters had fought stubbornly: the Colonial Office had no desire to harass them out of existence: independent colonists had either stood by,

¹ *The Impending Crisis*, a pamphlet: FitzRoy to Grey (19 June 1847): Enclosure: P.P., 1847-8, xlii (Cmd. 994), pp. 3-6.

² *History of the Australasian Colonies*, p. 106.

³ *Labour and Industry in Australia*, vol. i, p. 393.

⁴ *History of Australian Land Settlement*, p. 186.

⁵ Minute (21 December 1846): CO 201/371: No. 1780.

watching, or cheered the squatters on. The grant of favourable terms was the only possible end to such a contest.

The exasperation of Lowe and his allies was natural: for if in one sense Lord Grey had surrendered to the squatters, in another sense they had surrendered to Lord Grey and broken the united front of opposition to the land policy of the Imperial Government. They had sold their birthright as colonists for a mess of pottage. But the criticism of the terms of the Order in Council has been unduly severe. The squatters had never any 'moral title' to their runs but one—possession, which is nine points of the law. The terms both of the Order and of Lord Grey's dispatches give no countenance to any claim to a proprietary right: the moral title of the squatters after the Order in Council was just what it had been before. If the meaning of the criticisms is simply that they were given a position from which it was difficult to dislodge them, the argument has weight, but surely in the last analysis it was precisely the difficulty of dislodging them that ensured them favourable terms. As for Lowe's prediction that the predominance of the squatters would ensure the ripening of leasehold into freehold, he misjudged entirely the trend of events—though indeed they showed themselves adepts at evading legislation aimed directly at them. What, finally, was the alternative policy embodied in Lowe's Crown Lands Report of 1849?

'Your Committee would suggest that instead of these expensive and burdensome leases, the price of land should be reduced to 5*s.* per acre; [that] the squatter should be permitted to remain in occupation of his run on the present terms till required for sale; that instead of his present worthless right of pre-emption, he should be allowed a pre-emptive right at the rate of not less than 5*s.* an acre over the whole of his run, subject to the same regulations as the present pre-emptive right; and in case he should be unable or unwilling to exercise that right, that he should be allowed compensation for his improvements.'¹

'Worthless right of pre-emption'! The extent of the pre-emptive right was soon to be the gravamen of the charges against Lord Grey and his Order; and Lowe, the anti-squatting champion, proposed to give more! There can be

¹ Report in FitzRoy to Grey (5 November 1849): Bell and Morrell, *op. cit.*, p. 259.

no better indication of the way in which the whole problem of Australian colonization was transformed by the discovery of gold. After that event it was much easier to be wise.

The transition from the old system to the new was certain to occupy some years. There were some thousands of licensed squatters, and their runs covered tens of thousands of square miles.¹ Some of the claims were disputed, and it was first necessary to settle the disputes. Then boundaries had to be exactly defined by actual survey. Long before this had been completed, the separation of Victoria from New South Wales had come to pass and, treading on the heels of separation, the gold discoveries in both the colonies (1851). The gold rush seriously interfered with the progress of the survey; at the same time, the whole basis of the classification of the lands was undermined, a new value was given to the pre-emptive right, and a new class of potential settlers arrived in the colonies. In New South Wales, the law officers gave it as their opinion that the Order in Council justified the Government in reserving land for public necessities of the present and immediate future, but not in reserving it merely for possible contingencies. The Governor attempted to meet the situation by dividing the colony into districts and appointing a Commissioner in each with power to reserve and direct the sale of lands therein: then in 1854 leases were issued with pre-emptive rights of considerable extent. The possibilities of a solution were, however, destroyed by an injudicious choice of Commissioners, and there was nothing for it but a land agitation, which swept—as it thought—over the entrenchments of the squatters and established ‘free selection before survey’ in 1861. Victoria, however, was the chief battleground. The lawyers skirmished away to their hearts’ content; the squatters at first won the day in the Legislative Council and asked for the issue of leases immediately, then judiciously drew back in the face of growing popular opposition, with the result that the Council expressed itself as favouring the limitation of pre-emptive rights to homesteads or such lands as His Excellency might in each particular case think proper. On 3 September 1852,

¹ It may not be out of place to refer here to the excellent maps in Roberts, *op. cit.*, facing pp. 96, 104, 140.

Governor Latrobe referred the matter home, urging the inequity of the large rights accorded by the Order in Council, and suggesting that they be modified by an amending Order as the Legislative Council proposed. The Duke of Newcastle replied that the Order was not intended to give the squatters any advantage over other persons in purchasing land except to the very limited extent necessary for personal accommodation, certainly not to enable them to become speculators in land and barriers to the development of the colony. Even if that had been its effect, vested rights would have to give way, subject to such compensation as it might be practicable to give. He suggested, however, that private arrangements might be made with the squatters to obviate the necessity for pushing matters to extremes.¹ In the end the leases were not issued, and instead yearly licences were given, with pre-emptive rights limited to the homesteads and to actual improvements.

Thus the Order in Council of March 1847 failed entirely as a solution of the squatting problem. As a result of legal interpretation and of a totally unexpected increase in the value of the privileges given, it proved impossible under the terms of the Order to secure that just compromise between squatters' rights and the claims of settlement which Lord Grey had sought. Undoubtedly, too extensive a pre-emptive right was given, and insufficient allowance made for possible changes in the circumstances. Yet the gold discoveries, which turned an academic question into an urgent practical one, took Lowe and his bugbears the squatters equally by surprise, and would pretty certainly have made any alternative solution obsolete. Vision can be asked of a statesman, but not clairvoyance. Nor is it in the least likely that any solution within the limits of human contrivance could have averted a conflict between the squatters and the settlers: the predominance of the squatters was bound to pass, but it is not in human nature to surrender predominance without a fight.

In the other colonies the lines were less clearly drawn and the problem was more manageable. The Act of 1846 applied

¹ Newcastle to Latrobe (29 November 1853): *P.P.*, 1854, xlv (Cmd. 1849), pp. 62-7.

to them, but not so the Order in Council, which was sent out to the Governors for criticism and adaptation. In South Australia squatting had 'a curious mobility';¹ and minerals were known to exist. Sir Henry Young proposed a division of the lands into those within and outside the hundreds. Outside the hundreds (where pastureland was to be common) fourteen years' leases were to be granted, but they were not to be renewable except by auction, and leased lands were not to be excluded from sale, though on sale, resumption for public purposes, or inclusion of the run in a hundred, compensation was to be given for improvements.² These regulations were embodied, practically unaltered, in an Order in Council of 19 June 1850. In the 'Class B' lands, the corresponding division in Western Australia, eight years' leases were granted with a preference to existing occupants or to discoverers. At the end of each year any part of the land might be sold by auction, subject to a pre-emptive right on the part of the lessee and to the obligation to compensate him for improvements. In short, the system was not unlike that in the intermediate lands of New South Wales. There was a conditional right of renewal if the land had been properly stocked and a certain portion purchased or improved.³ Van Diemen's Land was a land of mixed farming. Sir William Denison proposed to continue the existing fee of £1 per hundred acres, and to grant licences for ten years, increasing the rent at the end of five. The occupant was to be allowed the value of his improvements should the land be taken for sale or reserved for public purposes; but Denison thought it undesirable to hamper the action of the Government by giving him a right of renewal.⁴ His proposals were given effect by Royal Instructions of 19 October 1849.

On the whole, outside New South Wales, Grey's policy in regard to the pastoral lands—a policy which recognized the fact that circumstances varied from colony to colony—succeeded fairly well. There was no locking up of the land: yet the next few years were good years for the squatters in

¹ Roberts, *op. cit.*, p. 189.

² Young to Grey (23 February 1849): *P.P.*, 1850, xxxvii (Cmd. 1289-II), pp. 19 ff. Rent was to be proportionate to area and quality, there being three classes of land.

³ Grey to FitzGerald (23 May 1850): *Enclosure: ibid.*, pp. 94 ff.

⁴ Denison to Grey (5 July 1848): *P.P.*, 1850, xxxvii (Cmd. 1289-II), pp. 113-15.

South and West Australia, and in Van Diemen's Land the extent of land licensed largely increased. But in these colonies also, where there were no gold discoveries to throw the whole land system into the melting-pot, the settlement was not a permanent settlement; before the fifties were out, squatters and land reformers were at odds in South and West Australia. Once again it is necessary to emphasize the fact that permanence could not be hoped for when agricultural settlers were slowly but inevitably pushing the squatters farther into the interior.

In the other departments of colonization, Lord Grey's general policy was to maintain the principles of the Land Sales Act. It was really he who in 1831 had inaugurated the new departure in Imperial land policy. Wakefield did not like to be reminded of the fact. He regarded Grey as the leading exponent of the 'auction heresy'—continually and loudly complained of by him, and said by him to be continually and loudly complained of by the colonists.¹ In fact, however, the colonists took little interest in Wakefield's heresy hunt and regarded Grey as a Wakefieldian, which, in essentials, he was. He by no means approved of limiting the quantity of land put up for sale and thereby raising prices artificially;² and Wakefield's great argument against auction was that it meant artificial restrictions upon purchase. Grey's reasons for believing in a high minimum price were Wakefield's reasons. It prevented the labourer from becoming a landowner too soon, and thus checked the tendency to form

'a community of petty proprietors living with their families in more or less of rude plenty, but without that division of ranks into capitalists and labourers which is usually deemed most conducive to the general wealth and civilization.'³

It provided some security that the lands would be bought by those who would turn them to good account. And incidentally, it provided revenue.⁴

Grey was no more successful than his predecessors, how-

¹ *View of the Art of Colonization* (ed. Collier), p. 361.

² Minute of Lord Grey (19 July 1847): CO 48/280: No. 1355.

³ Minute of Elliot (7 December 1849): CO 209/83: No. 872. Grey concurred with the Minute and expresses the same idea elsewhere himself.

⁴ Minute of Lord Grey (27 February 1850): CO 280/247: No. 1429.

ever, in converting the colonists. In spite of his reputation as a doctrinaire, he was more ready than his predecessors to depart from the strict Wakefield doctrine where circumstances were admittedly unfavourable. In Western Australia a system of tillage leases for eight years, with the right of pre-emption, was instituted in 1850 at the suggestion of the local authorities; and the departure from the principle of sale was pretty clearly justified. In Van Diemen's Land, where the Land Sales Act was no longer in operation, there was no question of reintroducing it, though the most striking departure from its principles—Denison's system of large leases with rights of quiet possession, introduced to check emigration to the gold-fields and possibly to tempt successful diggers to the colony—did not fall to Grey but to his successor to sanction. In New South Wales, however, Grey did not admit that circumstances were unfavourable, vigorously as the colonists contended that they were. The squatters had now changed sides, realizing that in the high minimum price they had a very good security against dis-possession. Their opponents for the very same reason attacked the high price with all the ability and conviction they could command. The central point of the argument against the high price was, as before, that it made land unsaleable: the reply of the Land and Emigration Commissioners hinged upon the argument of Gipps that it was not desirable to sell land except for cultivation.

'It is evident that land sale for the mere purpose of cultivation cannot be expected to proceed very rapidly in a country possessing only 200,000 inhabitants, if 180,000,000 acres are to be occupied under circumstances which render such sales inexpedient, and 5,000,000 are already in the hands of individuals.'

They were inclined to think the high rate of wages showed that the quantity of land already occupied was too large relatively to the supply of labour.¹ This statement of the case drew from Lowe the ablest and most elaborate expression of his own ideas, in the Crown Lands Report of 1849. The Commissioners, said he, were still obsessed by the land mania, which the colony had long left behind. Since then

¹ Grey to FitzRoy (11 August 1848): Enclosure: *P.P.*, 1847-8, xlii (Cmd. 994), pp. 137-40.

population had increased from 90,000 to 235,000: capital had been found in the colony for banking, gas, steamer, and railway companies: it was not lack of population or lack of capital, in short, that prevented the purchase of land. Cheap Government land, too, was the great attraction to capitalists to emigrate. Suppose that land were wanted for pasture only—what then? Most of the land actually sold had been acquired for pastoral use. The sale of pastoral and agricultural lands should in fact proceed concurrently, for sale in the one case would produce far more, in the other far less, immigration than was needed in the way of labour on the land. A price of 5s. an acre would be ample for the purpose of checking premature alienation. And then came the clinching argument:

‘It may not be the duty of the Home Government to yield a facile assent to every fluctuation of colonial opinion; but surely it is their duty not doggedly to resist, on a local and practical question, the firm and deliberate conviction of a large, intelligent, and enterprising community.’¹

It was, in a veiled form, the old demand for colonial control.

The argument did not convince the Colonial Office that its ideas were wrong; but opinion in England was changing. McCulloch, the well-known economist, supported the colonial view; and it finds some support even in Wakefield’s *Art of Colonization*. Where land had in the past been granted with such reckless profusion as in Canada and New South Wales, said Wakefield, no price however high would have had any effect on the land and labour market: ‘in such colonies, the mere putting of a price on new land only operates as a restriction on the use of newly-discovered spots highly favourable for settlement, and as a tax upon colonization.’² Lowe himself came to England and began to write leaders on the subject for *The Times*. The high price was attacked as having produced an unnecessary clash of interests, discouraged the spread of settlement, given an undue predominance to the squatter, and encouraged restlessness and caprice on the part of the labourer.³ In the end,

¹ Report of Committee of Legislative Council (2 October 1849): Bell and Morrell, op. cit., pp. 254–7.

² Op. cit. (ed. Collier), pp. 339–41.

³ *The Times*, 15 January 1851, 21 January 1852.

however, this long controversy petered out; and if the change of opinion in England had any political effects, it was in hastening the transfer of the lands to colonial management. In 1853 sales produced £1,568,114 in Victoria alone; and by the end of 1854 the much abused Land Sales Act had brought in £4,808,000.¹ The question of price became of small importance in comparison with the question of control once gold was discovered in Australia.

Yet the question of price is interesting in itself, and indeed important. The most recent authority holds that the experiment of sales at 12s. and 20s. was not a success. From 1839 to 1851 sales amounted to £370,000 only; and 'there was never a sufficient emigration or labour supply'. 'Not till Australia replaced the idea of sale at a high price by that of conditional selection was a successful policy evolved.'² It may be worth mentioning that in 1849 sales in New South Wales brought in £93,911, in 1850 £133,908.³ This fact, and the steady progress of South Australia after 1844, would seem to suggest that the high price did not of itself put a stop to settlement. And conditional selection was not yet thought of: the only alternative offered at the time was sale at 5s. an acre. This would presumably have produced more sales in the older districts of New South Wales, with benefit to the colony; but would it not have encouraged aggregation at least as much as closer settlement? Would it have been at all likely to remedy the grievance of a deficient labour supply? Many of the ills which Lowe and his fellows diagnosed as due to the Land Sales Act were surely not due to the Act at all. The first essential was that the period of squatting predominance should be traversed with the minimum of harm to the interests of those who were to follow; and may it not be said that the Land Sales Act served the interests of New South Wales better than any policy of pushing on with sales?

We have seen that in the early years of the Land Sales Act its provision for land fund immigration was virtually a dead letter. By 1846 the worst of the depression had passed, and

¹ *P.P.*, 1854-5, xvii (Cmd. 1953), pp. 32, 114.

² Roberts, *op. cit.*, p. 109.

³ *P.P.*, 1852, xviii (Cmd. 1499), p. 141. More than half, it is true, was produced by the sale of town or suburban land.

the Legislative Council of New South Wales had requested the resumption of immigration at the rate of 12,500 immigrants a year. Funds, however, were still lacking, and the Council recurred to its old ideas of raising loans and getting contributions from home.

'The cost incurred in the support of a pauper in England is from £6 to £7 annually; his removal from the Mother Country not only secures for her the negative advantage of being relieved from the burden of his support, but by his transference to our shores, he becomes her largest and most valuable customer; instead of draining annually £7 from the resources of her industry he is an annual contributor to her markets to that amount.'¹

It was a plausible argument, but it was not one to which the Imperial Government was likely to lend a ready ear. Once it assisted emigration to Australia it must assist emigration to all the colonies that wanted immigrants, and thereby involve itself not only in large financial operations, but in practical difficulties without end. Whatever the ultimate gain, any plan would involve great initial expenditure; and the attitude of Elliot, with his unrivalled experience of emigration questions, is at least comprehensible:

'No demand has ever appeared to me more unjust than the very frequent one that the distressed inhabitants of Great Britain should be taxed in order that the people who are already so rich in New South Wales may be able to get richer with more expedition by having a quicker supply of labour.'²

Besides, did New South Wales really want the paupers of Great Britain? The Council had always laid such stress on quality that the answer was clearly that they did not.

A loan, however, was a different matter. Immigration was needed,³ though not perhaps quite to the extent suggested by the Legislative Council; and there was distress in Great Britain, confident though free traders might be that it would pass. For a time Grey took no action—perhaps he was awaiting the reply to Gladstone's proposal to send convicts to New South Wales again⁴—but in August 1847 he

¹ Gipps to Stanley (27 October 1845): Enclosure: *P.P.*, 1846, xxix (H.C. 418), pp. 3-11.

² Minute (2 March 1848): CO 201/384: No. 334.

³ FitzRoy pointed out that in the last two years wages of agricultural labourers and shepherds had risen from £15 to £21, and they seemed likely to rise to £27.

⁴ See below, p. 394.

authorized the renewal of Government emigration and the raising of £100,000 by the sale of debentures secured on the Crown revenues of New South Wales proper and of Port Phillip. Thereafter a steady stream set in; and it was not necessary to resort to further borrowing. 5,027 immigrants—4,376 of them assisted—arrived at Sydney, and 4,098—3,509 of them assisted—at Port Phillip in the course of 1848.¹ Until the discovery of gold—with the exception of the winter of 1850, when the uncertainty caused by the approaching separation of Port Phillip and other temporary exigencies caused a shortage of funds and a temporary slackening of the rate—emigration continued at the rate, first of three ships per month, later of four. It was no longer possible to say that the Land Sales Act meant a total stoppage of immigration.

The resumption of Government immigration by no means silenced the objections of the Legislative Council of New South Wales. They were for ever wanting immigrants in larger numbers, and wanting them cheaper. Less was heard perhaps of Imperial contributions, though the idea recurs in a petition from Port Phillip in 1847 and in discussions of transportation policy.² Loans on the security of the land revenue and aided by an Imperial guarantee were mooted again; but Lord Grey disapproved of mortgaging land sales of the future when in all probability the demand for labour would increase concurrently with the supply and the raising of one large loan would necessitate the raising of another.³ In return the New South Wales Council rejected his suggestion of a loan secured on the general revenue: it would be unfair, said they, to pledge a fund chiefly derived from labourers' wages, and they did not forget that the general revenue, unlike the territorial revenue, was already under their control.⁴ Once again there were attempts by private persons to import their own labour from cheaper sources—the South Sea Islands, China. But Robert Lowe, to his

¹ *P.P.*, 1850, xl (Cmd. 1163), pp. 5–6.

² See below, p. 399. The presence of convict 'exiles' is mentioned in the petition as a special reason for assistance.

³ Grey to Young (21 June 1849): *P.P.*, 1849, xxxviii (H.C. 593), pp. 239–40.

⁴ FitzRoy to Grey (5 November 1849): Enclosure: *P.P.*, 1850, xxxvii (Cmd. 1220),

credit, denounced the Kanaka immigration of 1846-7 as an incipient slave trade,¹ and it was not even financially a success; and Chinese immigration, tried on a small scale in 1847-9, was met with protests from China and discouragement from Lord Grey and was not persevered with.

A more hopeful expedient seemed to be the shifting of part of the expense on to the shoulders of companies or private individuals. The versatile but unreliable Dr. Lang, on a visit to the Mother Country in 1848, endeavoured to get the approval of Government for a scheme for the cultivation of cotton at Moreton Bay by securing concessions in the purchase of land to companies sending out emigrants. Schemes of cotton cultivation were popular at the time;² but this particular one seemed to mean locking up large tracts for several years for the benefit of Dr. Lang's company, and Lord Grey would have none of it.³ Undeterred, Dr. Lang sent out 250 emigrants in the course of 1848. No real preparation had been made for them and the Government had to give them temporary relief: yet Dr. Lang laid claim to a bounty. Naturally it was refused. None of the other Company schemes got even so far as Dr. Lang's.

The principle of contribution by private individuals was tried in various ways. There was, for example, the nomination system, suggested by Lord Grey and instituted in 1848. In principle it was the same as the ordinary land fund immigration, but it *looked* different and this difference might be turned to account. Land purchasers might ear-mark a certain portion of their payment, or other persons might agree to receive repayment in land for deposits in the savings bank, and under the scheme each class would receive the right to nominate a number of immigrants proportionate to the sums of money paid. Considerable use was made, at Port Phillip in particular, of the 'land deposit' regulation—chiefly because it was possible to sell the privilege of nomination to land agents, or even to Boards of Guardians, and in the end to make some one in England pay. Lord Grey did

¹ Patchett Martin, *Life of Lord Sherbrooke*, vol. i, pp. 350-5. It was also denounced by Sir George Grey.

² See above, p. 306.

³ Grey to FitzRoy (15 December 1849): *P.P.*, 1850, xl (Cmd. 1163), pp. 151-2. The dispatch was written in answer to Dr. Lang's complaints.

not think there was any harm in that, but in reality the vogue of the system was due to the fact that people in England did not realize that the privilege was not one it was worth their while to buy.¹ Besides, it tied up the land fund in a way that embarrassed the Colonial Government. Governor Latrobe suspended the regulations in 1852.

It was more straightforward, if the emigrant were wanted to pay, to levy a contribution from him direct. To this Lord Grey was quite agreeable in principle, though he thought it could only be tried to a limited extent, since the Commissioners did already require a payment of £1 for bedding and other supplies, and the inevitable expense of outfit brought the charge up to £5 or £6. This was about the total cost of emigration to North America. To require a further contribution would tend to put New South Wales at a disadvantage. However Mr. Francis Scott and others thought that the experiment should be tried; and, by a graduated scale of payments, they proposed to extend assistance to others besides agricultural labourers. In August 1848 the Colonization Society formed by them was allowed to put the idea into practice; and by the following April some two thousand persons had been sent out. The result justified the doubts of the Colonial Office rather than the expectations of the experimenters. The Colonial Immigration Agent said the colony did not need the classes of persons sent;² the Legislative Council thought that at least three-fourths of the cost of passage should be required from all but farm labourers and shepherds.³ After this only these two classes were selected. It proved possible, however, to use the idea of requiring a contribution from the emigrant in another way—to maintain, by varying the rate of deposit, a correspondence between the number of passages the funds available allowed, and the number of eligible emigrants offering.⁴ With this object the deposit was increased in 1850, lowered later, and then increased again. Finally, the emigration from New South Wales consequent on the Californian

¹ Grey to FitzRoy (7 July 1848): *P.P.*, 1847-8, xlvii (Cmd. 986), pp. 92-3.

² FitzRoy to Grey (21 June 1849): *P.P.*, 1850, xl (Cmd. 1163), pp. 54 ff.

³ FitzRoy to Grey (27 April 1849): Enclosure: *ibid.*, p. 21.

⁴ *Colonial Policy of Lord John Russell's Administration*, vol. i, p. 337.

gold discoveries in 1849 led to a new suggestion—that emigrants should be required to repay a proportion of their passage-money if they remained less than a certain number of years. Grey approved, once again, of the principle, thinking that it might be possible at the same time to compel the emigrant to go to the country districts until the repayment had been made.¹ But before these ideas could be applied, it ceased to be necessary for men to go to California for gold.

Lord Grey can certainly not be accused of failing in consideration for the wishes of the New South Wales Legislative Council in immigration matters, yet the fact remains that he failed to please them. He was no more successful in South Australia, the only other colony in which land fund immigration was possible at all. There Lord Stanley had sanctioned its resumption, and by Lord Grey's instructions the Land and Emigration Commissioners continued to spend the money as fast as it came in. From the beginning of 1846 to the middle of 1848, 7,326 persons were added by immigration to the South Australian population of 22,390; yet still there were complaints that the crops might not be able to be harvested. A loan upon the land fund as security was suggested, but failed to win Lord Grey's approval; and the colonists did not like his alternatives of a tax on land or on employers of labour or a loan on the general revenue.² After 1849 the rate of immigration slowed down, but by the end of 1850, what with natural increase, assisted immigration, and a large spontaneous immigration, the population of the colony had increased to 63,700—in short had nearly trebled in five years. The colonists, however, were difficult to please. A notice in 1849 drawing the attention of applicants to the fact that there were more vacancies in the ships for Sydney and Port Phillip was complained of as derogatory to the colony. Exception was taken both to the quality of the Government immigrants and to the insufficiency of their numbers. Some Irish orphan girls were particularly complained of: these, the Commissioners explained, had been sent in an attempt to provide the equal numbers of the two

¹ Minute of Lord Grey (12 January 1851): CO 201/430: No. 94.

² Grey to Young (21 June 1849): *P.P.*, 1849, xxxviii (H.C. 593), pp. 239-40.

sexes demanded by the regulations. On the point of numbers, their defence was that they were finding it difficult to fill one ship a month.¹ The defence seems convincing.

The fact is that all the colonists' dissatisfaction with the conduct of immigration, or nearly all, can be summed up in a single sentence: they felt that they could manage it better if they managed it for themselves. Whether they were right in this feeling is another question: the complaints were largely due to lack of experience of the difficulty of conducting an immigration scheme—of the failures and maladjustments inevitable in any immigration. These lessons, however, could only be learnt through the exercise of responsibility, and it was time now that the colonists should learn them, for the gold discoveries of 1851 'precipitated Australia into a nation'.

If proof be needed that it was not the system of land fund immigration that was at fault, it can surely be found in the events of the ensuing years. Within six weeks of the first discovery of gold near Bathurst, New South Wales, in May 1851 Governor FitzRoy was asking for the stoppage of immigration at the public expense, except for a few shiploads of female immigrants: many of those who came spontaneously would find themselves unequal to the hard life of a digger, and betake themselves to ordinary industrial pursuits.² Lord Grey by no means shared these views. Districts far from the goldfields, like Moreton Bay, would need labour more than ever: possibly immigrants might be required, like the coolies in the sugar colonies, to repay the cost of introducing them, and the colonists thereby enabled to raise more money for immigration purposes.³ Before long the wisdom of his decision to continue Government emigration as vigorously as possible had become apparent. The rich Victorian finds at Ballarat and Mount Alexander made Sir Charles FitzRoy change his mind, and soon he was asking for five ships a month and for the relaxation of the regulations as to the occupation of assisted immigrants.⁴ In

¹ Reports of C. L. and E. Commissioners (24 February 1851): CO 13/75: (22 March 1852): CO 13/79.

² FitzRoy to Grey (8 July 1851): CO 201/441.

³ Minute of Lord Grey (19 November 1851): CO 201/441: No. 9500.

⁴ FitzRoy to Grey (13 July 1852): *P.P.*, 1852-3, lxviii (Cmd. 1627), pp. 23-4.

Victoria, Latrobe saw from the first that the great influx of adventurers did not diminish the need for the assisted immigration already going on, though he thought that the relative proportion of single women and of mechanics should be increased.¹ In South Australia and Van Diemen's Land, which had no gold, it was obvious that there would be a scarcity of labour. In February 1852 only some ten thousand adult males were left in South Australia. The difficulty was the uncertain future of the land revenue.² The rise of wages in Van Diemen's Land made it, for the first time for many years, possible to introduce immigrants on the ordinary Australian system: the majority of them, Denison thought, would stay long enough at any rate to earn their passage to the mainland.³ By the end of 1852 the Commissioners had begun to fill ships for Van Diemen's Land in the usual way. In that year 7,413 Government emigrants were sent to New South Wales, 20,313 to Victoria, 5,037 to South Australia, 703 to Van Diemen's Land. At the same time, amid wild talk of sending out all the able-bodied paupers of England and Wales, the Colonial Office kept its head.

'The friends of the Colonies', remarked Elliot sarcastically, 'are too pure in their moral feelings to bear the thought of an annual introduction of about 1,500 convicts—many of them men who, with no habitual vice, may have been hurried into some one crime. But they advise that 140,000 people of such chronic idleness, incapacity, or bad health, and so esteemed in their own neighbourhoods, that at a time of general prosperity they are unable to gain a livelihood, should be discharged on the shores of Australia, in order to supply its failing industry and raise the standard of morals at a most critical period of its history.'⁴

The charge that the Colonial Office and the Commissioners, in their conduct of Australian emigration, failed to consult the interests of the colonies was a mere parrot cry.

From 1853 to 1857 assisted immigration to New South Wales and Victoria—apart altogether from the spontaneous rush to the goldfields—was at its height; and various in-

¹ Latrobe to Grey (12 November 1851): *P.P.*, 1852, xxxiv (Cmd. 1489), pp. 59–60.

² Young to Grey (9 January 1852): *P.P.*, 1852–3, lxviii (Cmd. 1627), p. 200.

³ Denison to Grey (16 January 1852): *P.P.*, 1852–3, lxxxii (Cmd. 1601), pp. 2–3.

⁴ Minute (1 May 1852): CO 201/443: No. 3658.

effectual attempts were made to make the immigrants contribute. The feeling against assisted immigration, however, gained in strength, and by the end of the fifties it had virtually ceased. Thus, owing to the change of circumstances arising from the gold rush, the much desired transfer of immigration to colonial control not only produced no notable improvement in the system, but was soon followed by the disappearance of the system itself.

The Australian Land Sales Act was not repealed until 1855; but in 1851 a new era opens in the history of Australian colonization. The idea of applying to Australia a system of colonization prescribed by Imperial statutes, and carried out under Imperial auspices and to some extent with Imperial aims, had perforce to be abandoned. It proved, as we shall see in the next chapter, to be incompatible with self-government as colonists understood that term; and the decision of the Imperial Government in 1852 to yield to the colonial demand was undoubtedly a wise decision. It did not of course mean the final abandonment of all hope of a concerted policy of Empire settlement, though not perhaps till our own day has that idea resumed full sway; but it meant that in future any such policy must be a matter not for the Mother Country alone but for Mother Country and colonies in co-operation. It does not follow that the policy of the Land Sales Act as passed by Stanley and applied by Grey must be condemned. The high minimum price prevented excessive purchases for purposes of speculation or aggregation. The land fund immigration system achieved more positive results. 'The experiments had shown', says Roberts, 'that revenue from colonial lands could be advantageously used in introducing selected immigrants but, on the other hand, that to gauge the exact demand for labour by the sale of lands was untenable.'¹ But after all, what mattered was not the theoretical perfection of the principle, but the practical benefits arising from its working through the machinery of the Land Sales Act. It secured for the colonies immigrants of good quality and transported them on the whole with remarkable success. It involved less financial risk than the bounty immigration of the thirties, and

¹ Roberts, *op. cit.*, p. 130.

better control of the personnel of the immigration than any scheme conducted by contractors, companies, or private individuals could have done. It probably employed the funds actually available as well as they could have been employed. Against the favourite colonial proposals that more funds should be made available by Imperial assistance or by the anticipation of future land sales, there is little difficulty in making out a strong, if not perhaps a quite conclusive, case. Cautious borrowing would doubtless have done little harm, but it is much easier in a new country to begin borrowing than to stop. Was it for the parent country to teach the daughter how to borrow? Nor can it be said of Lord Grey, as it can perhaps be said of Stanley, that he closed his mind to new ideas. In short it was by no means because the policy was ineffective that the time had come to substitute another: it was because the claims of good government must ultimately in these cases yield to the claims of self-government.

LORD GREY AND AUSTRALIAN SELF-GOVERNMENT

THE years of Lord Grey's tenure of office were years of almost continuous discussion of Australian constitutional problems. Yet the discussion did not arise, as seemed likely until Sir George Gipps's departure, directly out of the working of the constitution given to New South Wales in 1842. Gipps's relations with the Legislative Council were no better in 1846 than in previous years: the colonists showed no signs of abating their claims to 'a government which should be made responsible to the people who support it and for whom it was created'.¹ But the arrival of the new Governor, Sir Charles FitzRoy, produced a speedy change for the better. Under Gipps, public differences had been aggravated by unfortunate private animosities;² FitzRoy's tact and conciliatory bearing in private life brought back a better feeling in public affairs also. FitzRoy, moreover, reposed great confidence in his experienced Colonial Secretary, Deas Thomson, a man of liberal views and statesman-like qualities, who was not only the son-in-law of the popular Governor Bourke, but, unlike Gipps, was clearly on good terms with Wentworth.³ The machinery of government was soon working smoothly: the recurrent dispute as to the civil list schedules was settled, and FitzRoy successfully quieted the fear of the Colonial Office that he had settled it by surrendering the rights of the Crown.⁴ A straw which showed the way the wind was blowing was the disallowance of a Bill making the Colonial Secretary and other principal officials ineligible for election to the Legislative Council. It was, said Lord Grey, 'in direct conflict with the maxims and habit of the British Constitution, which permit the same persons to serve the Crown in the higher offices of the Executive Government and to represent the people in the

¹ Memorial of Stockholders of New South Wales (January 1846): Bell and Morrell, *op. cit.*, p. 240.

² FitzRoy to Gladstone (19 August 1846) (Private and Confidential): CO 201/368.

³ Rusden, *History of Australia* (first edition), vol. ii, p. 433.

⁴ FitzRoy to Grey (10 September 1847): CO 201/384.

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Legislature'.¹ It seemed as if New South Wales was entering upon a period of gradual and tranquil evolution towards responsible government. What was necessary was just, surely, to leave well alone.

Lord Grey, however, was temperamentally no believer in 'salutary neglect'; and in this case there were questions indirectly affecting New South Wales which could not be neglected. The return of prosperity reminded South Australians of their claims to representative government; and resentment at the contemplated reservation of mineral royalties by the Crown gave point to their petition.² Gladstone was ready to admit the claim, and Grey agreed with him. The case of Van Diemen's Land, which had more than once asked for the same concession, had been generally considered to stand on a different footing owing to the presence of convicts. But Grey, in his instructions to Governor Sir William Denison, dissented from this view. It seemed to him to be merely a question of taking securities against any insubordination among the convicts and 'retaining in the hands of the Executive Government such powers and resources as are requisite for the general welfare of the colonists at large'.³ There was a third problem which must be solved soon, and might well be solved at the same time as the others. Port Phillip was vehemently demanding separation from New South Wales. The district had attained to a population of 26,000, and to a revenue of £60,000 a year, and was grazing 230,000 cattle and 1,800,000 sheep. Many of the settlers had arrived not overland but from Van Diemen's Land or from Great Britain, and Sydney meant nothing to them; they felt it virtually impossible to be effectively represented at such a distant centre; and they claimed that they were not receiving their due share of immigrants. The logic of events seemed to demand separation. From 1836 on, separate accounts had been kept of the revenue and expenditure of Port Phillip; from 1839 it had had a 'Superintendent', Mr. Latrobe, with a measure of

¹ Grey to FitzRoy (31 July 1847): CO 202/51.

² Robe to Stanley (3 January 1846): Enclosure: CO 13/48. The reservation of royalties was afterwards abandoned by Lord Grey in deference to colonial opinion.

³ Grey to Denison (30 September 1846): CO 408/28.

executive authority; in 1840 Lord John Russell had proposed to give it a different land system from New South Wales proper and to make statutory provision for future separation, and though both these proposals had been abandoned there had since then been separate land funds. In August 1844 the six Port Phillip members in the new Legislative Council at Sydney, headed by the stormy petrel of New South Wales, Dr. Lang, raised the question of complete separation, and winning no support, made petition to the Queen. Back went the petition to New South Wales for a report from the Governor and his Executive Council. They, by a majority, recommended separation. Sir George Gipps himself was inclined to oppose on general principles 'the dismemberment of any colony which, like New South Wales, may be of a size hereafter to become a nation': nor did he agree that there was any administrative grievance sufficient in itself to justify the change. But there was a real grievance in the virtual impossibility of finding qualified persons willing to make the journey from Port Phillip to Sydney and represent the district in the Legislative Council; and the failure of the district council scheme of the Act of 1842 had tended to centralize power unduly in the Legislative Council and made it impossible, in Gipps's opinion, to hold so large a colony together.¹ If, in short, New South Wales could not be decentralized in one way, it must be decentralized in another. Gipps did not think Port Phillip yet ripe for representative government, but that was clearly a different question. On the question of separation, Lord Grey found Gipps's arguments convincing.

Yet to concede separation to Port Phillip, and self-government to South Australia, Van Diemen's Land, and perhaps Port Phillip as well, was to take a grave risk. Besides their separate interests, these colonies had interests in common as members of the same group: yet, although commercial and social intercourse was increasing as the period of complete absorption in pioneering labours passed away, localism was very strong and the day of nationalism had not yet dawned. The Executive Council of New South Wales believed that in the case of Port Phillip intercolonial

¹ Gipps to Stanley (29 April 1846) and Enclosures: CO 201/375.

jealousies were less likely to be fostered by separation than by a continuance of the existing sense of grievance; but there was no guarantee that separation would mean good relations. It so happened that Van Diemen's Land chose this very year to destroy the system of mutual preference which had so far guaranteed some mutual consideration in matters of commercial policy. The measure was partly due to Imperial dislike of these special intercolonial arrangements, and only partly to the pressure of interests in Van Diemen's Land itself; but it was a warning of what might come. FitzRoy, acting probably on the advice of Deas Thomson, drew the moral and suggested the appointment of 'some superior functionary . . . to whom all measures adopted by the local legislatures affecting the general interests of the Mother Country, the Australian colonies or their intercolonial trade, should be submitted'.¹ If the Australian colonies were not to be allowed to drift apart, now seemed to be the time to act.

On 17 May 1847 Hawes announced in the House of Commons that 'a measure was in contemplation—he might say in preparation—with a view to give the benefits of the British constitution to the Australian colonies generally'.² On 31 July Grey outlined the general nature of his proposals in a dispatch to the Governor of New South Wales. Separation would be conceded to Port Phillip, representative government to all the colonies, though not immediately to Western Australia; and provision would be made for the co-operation of their several legislatures in the enactment of such laws as might be necessary for regulating the interests common to them collectively. But Grey proposed to kill other birds with the same stone. He contemplated a return to ancient precedents by the separation of the nominees of the Crown from the representatives of the people and the constitution of a second chamber. He deplored the failure of the attempt to balance and keep in check the power of the Legislative Council by a system of local government, announced that he proposed to try again, and threw out the

¹ FitzRoy to Gladstone (29 September 1846): CO 201/368. For the commercial aspect see above, p. 221.

² *Hansard*, Third Series, vol. xcii, pp. 953-4. Buller had wanted a separate South Australian Bill that session: Buller to Grey (1 March 1847): *Howick Papers*.

suggestion that weight might be given to the local authorities by making them 'bear to the House of Assembly the relation of constituents and representatives'.¹ There was, in short, to be a thorough reorganization of the whole system of government of the Australian colonies.

Lord Grey had been much too ready to treat the matter as a problem in political science. The colonists of New South Wales, not understanding him, suspected his motives. Their constitution was working tolerably well. 'They had never', said Wentworth, 'found the Colonial Office so ready to concede boons when asked, as to be deluded into the belief that they had now commenced to grant them of their own accord.'² *Timeo Danaos et dona ferentes*. In this atmosphere of prejudice, the most far-reaching of Lord Grey's suggestions, the Intercolonial Congress, was almost lost sight of, so far as New South Wales was concerned. Wentworth, indeed, was statesman enough to approve of it, and the discussion in the Legislative Council revealed a good deal of support for the general idea; but public opinion was probably expressed accurately enough by the *Sydney Morning Herald*, which damned it with faint praise as 'comparatively harmless and uninteresting'. The other colonies were decidedly critical: the Press alluded to the differences in social and economic conditions, foresaw difficulty in finding representatives, and feared that any General Assembly would be under the thumb of New South Wales.³ The proposal to replace the existing mixed Chamber in New South Wales by a Legislative Council and Assembly was received without enthusiasm. Sir Charles FitzRoy thought public opinion favourable, but the Legislative Council was divided, and most of the elective members were against an Upper House composed of nominees of the Crown. Attention fastened far more on the doctrinaire suggestion of an indirectly elected Assembly. It was not entirely new: it had found its way into the draft constitution of Charles Buller and James Macarthur in 1838, into the Port Phillip dispatch of Sir George

¹ Grey to FitzRoy (31 July 1847): Bell and Morrell, op. cit., pp. 93-6.

² *Sydney Morning Herald*, 21 January 1848.

³ Allin, *The Early Federation Movement of Australia*, pp. 67-72. I am greatly indebted to this book for its detailed study of colonial opinion on the question of federation.

Gipps, and into the brand-new constitution of New Zealand: but it had never any relation to practical politics. The leading officials in the colony, Latrobe and Deas Thomson, patiently explained that the population was too scattered, the value of property too fluctuating and undetermined for any large powers to be entrusted to district councils even had the colony possessed sufficient men of ability and leisure to undertake the business.¹ The watch-dogs of colonial democracy sniffed at the monstrous thing as suspiciously as at a hedgehog and then burst into loud barking. In the words of one petition: 'By delegating our right to elect our representatives we are deprived not only of that choice to which we are entitled, but also of that constitutional control over our Legislature without which no people can be considered free.'² And all the petitions and discussions took it for granted that the Imperial Government intended to ram its measure down the throats of the colonists, and concluded with the assertion that no constitutional changes ought to be made without the previous sanction of those whose persons and property they would affect.

As a matter of fact Lord Grey himself quite accepted this principle. 'It will be a source of the highest gratification to me', he had said, 'if, under the authority of Parliament, the colonial governments of Australia can be settled on a basis on which the colonists may, under the blessing of Divine Providence, themselves erect institutions worthy of the Empire to which they belong.'³ No notice had been taken of this admission that the destiny of the colonists was primarily their own concern; but Lord Grey's proceedings showed that it was genuinely meant. He returned a soft answer, which for the time did turn away colonial wrath. He would bring in a Bill in 1849 and would defer to 'the now ascertained wishes of the Australian community'. The free institutions to be given to Van Diemen's Land and South Australia would be similar in form to those which New South Wales possessed and appeared to prefer. Power would at the

¹ FitzRoy to Grey (6 January 1848): Enclosures: *P.P.*, 1847-8, xlii (H.C. 715), pp. 6 ff.

² FitzRoy to Grey (2 February 1848): Enclosure: *ibid.*, pp. 29 ff.

³ Grey to FitzRoy (31 July 1847): *loc. cit.*

same time be given to the local legislatures to alter their constitutions by reserved Bill. He still believed the district council scheme to be sound; but he had 'no wish to impose upon the inhabitants of the colony a form of government not in their judgement suited to their wants'. He made no explicit reference to federal arrangements, but pointed out that the colonies of New South Wales, Port Phillip, and South Australia, if placed under 'distinct and absolutely independent Legislatures' would soon be finding it necessary to erect customs-houses on their borders—a disaster which it was absolutely essential to avert by some provision for a uniform commercial policy.¹ The next step was to consider in detail the best mode of effecting these contemplated changes, and a special Committee of the Privy Council was constituted for this purpose.

The Committee consisted of Lord Grey himself and Mr. Labouchere, and three lawyers, Lord Campbell, Sir Edward Ryan, lately Chief Justice of Bengal, and Sir James Stephen, now no longer Under-Secretary of State.² Its report (4 April 1849) chiefly expressed the views of Grey and Stephen, and of course confirmed the decisions already taken regarding Port Phillip and the new constitutions of South Australia and Van Diemen's Land. Its interest lies in its establishment of the decision as to representative government upon a firm foundation of precedent and principle.

'The introduction of this constitutional principle into every dependency of the British Crown is a general rule sanctioned by a common and clear assent. The exception to that rule arises only when it can be shown that the observance of it would induce evils still more considerable than those which it would obviate and correct.'

Custom appeared to have attached the colonists of New South Wales to the present mixed chamber, and it was undesirable to introduce fundamentally different systems into adjacent colonies; but power should be given to the legisla-

¹ Grey to FitzRoy (31 July 1848): Bell and Morrell, *op. cit.*, pp. 104-6.

² Mr. Labouchere was President of the Board of Trade, Lord Campbell Chancellor of the Duchy of Lancaster. On Lord Grey's objects in having recourse to the advice of the Committee see above, pp. 204-5.

tures to introduce the system of Governor, Council, and Assembly, sanctioned by the old colonial precedents. They should further be entrusted, as the old Chartered Colonies had been, with the power of making any other amendments in their constitutions which time and experience might show to be requisite—such amendments, however, not taking effect until confirmed by the Crown.

The main principle of a free legislature once established, the question arose whether any deviation ought to be allowed from the principle. The problem of local institutions, said the Committee, was one of peculiar difficulty. The mere repeal of the ineffective provisions of the Act of 1842 would give a misleading impression. After all, local government afforded the only real security to the remoter districts, and trained men to act as legislators in a larger sphere. It should be left to the Governor to create such institutions on petition of the inhabitants of the districts; at the same time their formation should be encouraged by placing at their disposal, for local works, the part of the territorial revenue left by the Land Sales Act at the disposal of Parliament. There was some foundation, the Committee proceeded, for colonial complaints of the large civil list. It showed an unnecessary jealousy of the Legislative Council in a matter in which the colonists, after all, were primarily concerned, and was hardly consistent with the full adoption of the principles of representative government. Parliament should in the first instance charge upon the revenues the sums which ought not to be provided for by annual votes, but the legislatures should have power to alter this appropriation. The questions in which it was least desirable to leave the legislatures free were intercolonial questions. In the opinion of the Committee, there ought to be a uniform tariff for all the colonies, based on the tariff of New South Wales. It should be enacted by Parliament, but so as not to take effect until twelve months after the promulgation of the new constitution. But how was it to be altered? Some authority must be created, capable of acting for all the colonies jointly. One of the Colonial Governors should hold a Commission as Governor-General empowering him on requisition of two or more of the Australian legislatures to call together a General

Assembly of delegates elected by the legislatures of all the colonies. There should be a minimum of two members from each colony, with two additional members for every fifteen thousand of its inhabitants. The legislative power of the Assembly should be confined to import and export duties, the conveyance of letters, intercolonial roads, canals, or railways, the creation of a General Supreme Court, and a few other subjects: but gradually its powers might be extended.¹ This proposal, a courageous attempt to save Australia from dangers which were found by experience to be very real, was a fitting climax to a liberal and statesman-like Report.

The Bill introduced into the House of Commons by Hawes on 4 June was simply the Report in statutory dress. It was on the whole favourably received. It was against the tariff and federation scheme that criticism chiefly directed itself. The fact that the dangers lay chiefly in the future gave the scheme an academic air and it was open, as all such schemes must be, to criticism in details. The tariff proposal indeed had few friends. Mr. J. A. Jackson, the very intelligent Agent of Van Diemen's Land, expressly excepted it from his general approval of the Bill. Parliament was justified in preventing the colonies from injuring one another by retaliatory duties, but the actual enactment of a tariff was scarcely consistent in his opinion with the principles of self-government: besides, the importing colony might not be the consuming colony, and the revenue of Van Diemen's Land in particular was likely to suffer under such an arrangement.² Hawes himself was inclined to agree, and the scheme was dropped in the hope that the passage of the Bill might be facilitated. For Van Diemen's Land was pressing for the fulfilment of the promise of free institutions, and the recent renewal of transportation made it desirable to gain its goodwill, whilst Port Phillip could talk of nothing else but separation, and to show its sense of the futility of its representation in the Legislative Council at Sydney elected as

¹ Circular Dispatch of May 1849: Enclosure: *P.P.*, 1849, xxxv (Cmd. 1074), pp. 33 ff. The Report was drafted by Stephen, but in certain respects departed from his views—for instance in preferring a mixed to a double chamber: Stephen to Grey (8 February 1849): *Howick Papers*.

² J. A. Jackson to Grey (5 and 15 June 1849): CO 201/424.

representative for Melbourne none other than Lord Grey.¹ It was clear, however, that the federal scheme would also be opposed, at any rate in its details, and Grey would not accept Stanley's offer to limit the scope of the Bill. The Colonial Reformers were determined not to let it pass without full discussion, and the efforts of Mr. Jackson to secure its passage were counteracted by the exertions in the opposite direction of Mr. Scott, the Agent of New South Wales. In a last attempt to make the federal clauses attractive, Lord Grey offered to insert a clause entrusting the future federal legislature with power to amend the Land Sales Act.² In vain, however: on the very same night, Lord John Russell told the House of Commons that the Bill would not be proceeded with.³

There was therefore yet another opportunity for colonial opinion to express itself. New South Wales was on the whole remarkably apathetic, though the desire of the Crown Lands Committee of the Council for control of the land fund and the demand of one of the anti-transportation meetings in June 1849 for responsible government were a portent of future storms. Macarthur, Darvall, and others of the more conservative—or, to use FitzRoy's own term, 'respectable and influential'—colonists presented a memorial in favour of a double chamber as a necessary safeguard against rash and hasty legislation. They also wanted local control of land revenue and lands, and the filling of official vacancies as far as possible from the ranks of the colonists themselves.⁴ The federal proposals attracted little attention, though the *Sydney Morning Herald* gave them at first cordial and later more cautious support. At Port Phillip the separation issue overshadowed all others. Such comment as there was on the federal scheme was unfavourable. At Launceston and Hobart public meetings denounced the postponement of the Bill as a breach of faith; and the Hobart meeting went

¹ FitzRoy to Grey (23 September 1848): Enclosures: *P.P.*, 1849, xxxv (Cmd. 1074), pp. 22–6.

² House of Lords, 17 July 1849: *Hansard*, Third Series, vol. cvii, p. 465.

³ It does not seem to have been a question of difference of opinion: Russell had warned Grey as long ago as 29 June that the Bill might have to be postponed, and Grey's Journal is silent on the subject of the postponement.

⁴ FitzRoy to Grey (12 April 1850): Enclosure: CO 201/428.

on to condemn the high civil list and to deprecate the establishment of a General Assembly, especially as New South Wales would preponderate in it.¹ The Bill met with no very favourable reception from Sir William Denison himself. He objected to the now abandoned parliamentary tariff, which curiously enough the Hobart meeting approved of. He saw few advantages for Van Diemen's Land and many inconveniences, alike from financial and from other points of view, in a federal connexion with the mainland colonies. New South Wales was destined by nature to be a pastoral, Van Diemen's Land to be an agricultural and manufacturing community: they required different tariffs and different land systems, and where uniformity was necessary it could be secured by other and simpler means—means which would not entail the predominance of a single colony. The control of lands—though not necessarily of the land revenue—should be retained by the Imperial Government, as the local legislatures would merely think in terms of the immediate interests of their constituents. And he preferred two chambers to one—as indeed he had said before—though he thought that a large proportion, at least, of the Upper Chamber should be elected or otherwise rendered independent of the Government.² In South Australia the Legislative Council was in favour of an Upper Chamber of life nominees, also of the new nostrum of the Colonial Reformers, that Imperial control should be limited in the colonies to Imperial subjects, carefully defined by parliamentary enactment.³ To the formation of a General Assembly the Council was opposed, on the ground that the colonies, physically and socially, had nothing in common, and that federal union meant the preponderance of New South Wales. Federal control of lands it thought particularly objectionable, the reason of course being that South Australia alone of all the colonies believed in the principles of the Land Sales Act. Sir Henry Young agreed in general with the Council.⁴

¹ Denison to Grey (26 February 1850): *P.P.*, 1850, xlv (Cmd. 1285), p. 134.

² Denison to Grey (28 December 1849): *P.P.*, 1850, xxxvii (Cmd. 1182), pp. 3–8. In a dispatch of 15 August 1848 Denison had advocated a second chamber as a check on the 'essentially democratic spirit' of the colonists.

³ See below, pp. 492 ff.

⁴ Young to Grey (17 December 1849) and Enclosure: *P.P.*, 1850, xxxvii (Cmd. 1183), pp. 4–5.

A public meeting at Adelaide was equally critical of the federal scheme—mainly, it appears, from fear of the convict taint and dislike of things American:¹ but it strongly condemned the Upper Chamber of life nominees proposed by the nominee Legislative Council. The most noteworthy of all its resolutions, however, is the first, which commended the Bill as being in general ‘a wise, liberal, and comprehensive measure’.²

Long before Lord Grey had received this rare bouquet, the Bill had been introduced into Parliament again (8 February 1850), with a flourish of trumpets and a speech from Lord John Russell himself upon the general principles of colonial policy.³ The new Bill was in the main a replica of the old, the changes made in the course of the previous session being retained. It was however provided, to meet a criticism of Stanley, that the federal clauses should only apply to colonies that actually presented Addresses asking for the establishment of a General Assembly or, subsequently, for representation therein. As for the tariff, that was in the meantime left to the several colonial legislatures, except that discriminating duties were prohibited.

The Times gave cordial and weighty approval to the Bill. Taking for example the civil list provisions, it remarked:

‘Considering the really infantine state of these new settled colonies, and the fact that they are but just feeling their way not only to self-government, but even to a political existence and social organization, this seems as large a concession as the colonies themselves would be wise to require . . . It has been demanded for them that they should also have what is called a responsible Executive . . . In the present state of things we can easily imagine that such a concession would throw all Australia into the hands of political agitators and rob it of that tranquillity so needful to infant colonies.’⁴

The colonies were no more ripe for two chambers than for responsible government. It was quite right that they should be sent out a mere outline which they could develop themselves, rather than a finished plan. The Colonial

¹ At least this seems the most probable explanation of the curious phrase used in the resolution—‘in a British sense, unconstitutional’.

² Bell and Morrell, *op. cit.*, pp. 122–3.

³ See below, pp. 490–2.

⁴ *The Times*, 9 February 1850.

Reformers, on the other hand, were critical almost to the point of hostility, and thanks perhaps to the keenness of their criticism rather than to any very widespread interest,¹ the Bill was debated in detail as few colonial measures have ever been.

Criticism fastened on three main points. There was first of all the mixed chamber—which Lord Grey at least now supported not only because New South Wales was satisfied with it, but also because he believed in it.² The principal theme of the critics was that Australia ought to be given the same institutions as Great Britain. Mr. Francis Scott declared that the proposed constitution had not a single feature in common with our own: it resembled rather, he remarked apprehensively, that of the French Republic or the United States.³ Mr. Walpole predicted that the nominees of the Crown would exercise a deleterious influence on the legislature in normal times, and none at all in times of excitement. 'They should not give them bad forms of government with the hope that they would change them to something better . . . There was nothing which would strengthen their connexion with the colonies so much as giving them an identity of laws, of habits and institutions.'⁴ That such an identity was possible he took for granted. There was however another line of attack. It was now proposed to make the Upper Chamber at the Cape elective.⁵ This, said others of the Colonial Reformers, was an option that the Australian colonies had never had before them. Why have nominees at all, asked Gladstone, especially as they would be able to obstruct any change of system? Why assume that the Crown had something to defend which the popular Assembly was likely to attack and which a special party of loyalists must be created to champion? This argument, which must have lost something of its cogency when listeners cast their minds back to 1849 and the Canada Rebellion Losses Bill,⁶ was supplemented by others.

¹ Gladstone's Diary (13 May 1850): Morley, *Life of Gladstone*, vol. i, p. 268.

² Grey to Denison (11 April 1850): *P.P.*, 1850, xxxvii (Cmd. 1182), pp. 9–12.

³ House of Commons, 18 February 1850: *Hansard*, Third Series, vol. cviii, p. 976.

⁴ 22 March 1850: *ibid.*, vol. cix, pp. 1272–82.

⁵ See above, p. 280.

⁶ Where Gladstone had taken the loyalist view: see below, p. 453.

'They spoke of democracy; but, democratic or not, they must work with the materials which they had at hand. And let them not suppose that if the influences to be dealt with were democratic, they could be made otherwise by a system of checks and interference and control from home. . . . They should look to the time which might arise when these colonies should assert, he hoped with every regard and affection to the Mother Country, that they were then suited by providence for the management of their own affairs . . . He was not very sanguine for the future; but when these new States came to be launched into the world, it was of the greatest importance that they should have amongst themselves the elements of good constitutions. In the United States, foolish and wicked as in other respects the conduct of this country might have been, we founded good institutions, and the people were now rewarded with the results.'¹

Molesworth advocated an elective chamber on the rather different ground that it was the best check upon a democracy, and that our colonial policy should be 'so to construct our colonial institutions, that the natural conflict between the conservative and innovating tendencies should be fought in the bosom of those institutions'.² It was possible to admit the ability of these arguments and yet to contend that the Government had chosen the better way.

'The only difference', said *The Times*, 'between the Colonial Office and the Colonial Reformers is that the latter are somewhat more arbitrary and dogmatical than the former, for while the former are really leaving the question in the hands of the colonists, the latter are for sending out a cut and dried scheme evidently designed for permanent adoption.'³

To attempt to force an aristocracy upon a community, said Labouchere, was an impossible task, and might be dangerous.⁴ So much for Walpole's argument for identity of institutions and proposal for a house of nominees: it was rejected by 198 to 147. On the other hand there was no proof that the colonists wanted an elective upper chamber; the details would be difficult to settle in England; and the decision could surely be left to the colonists themselves. Molesworth's proposal to give a second chamber at least to

¹ House of Commons, 22 March 1850: *Hansard*, Third Series, vol. cix, pp. 1336-40.

² *Ibid.*, pp. 1319-23.

³ *The Times*, 20 April 1850.

⁴ House of Commons, 22 March 1850: *Hansard*, Third Series, vol. cix, pp. 1301-2.

South Australia and Van Diemen's Land was resisted by the Government and defeated by 218 to 150.

The second great target for criticism was the provision for a General Assembly. Adderley opposed it as unwanted. 'All the rest of the Bill was defended on the ground that the colonies had asked for it; but this part was defended because the colonies had not asked for it, though they might possibly ask for it some day or other.'¹

Molesworth believed it would lead to separation.

'It appeared to him that the monarchy of Great Britain was the true federative Assembly that should be contemplated, at all events for a long time to come, by these colonies. All the questions that were proposed to be referred to the General Assembly could be settled by mutual arrangement between the colonies, without any such authority; whereas, if they appointed a General Assembly, and gave them only a few matters to devote their attention to, they would be sure to begin encroaching on the Imperial power.'²

There were also criticisms of detail, which led before the third reading to the abandonment of federal control of lands and to a slight modification of the basis of representation.³ Labouchere stood firmly by the general principle, denied that federation meant separation, and obtained the very satisfactory majority of 63 to 10. Then, however, after surviving by 226 votes to 128 a third reading attack, headed by Gladstone, the Bill went up to the Lords. Stanley was inclined to favour as a transitional arrangement the idea of a single mixed chamber, which he perhaps regarded as his own;⁴ and it was against the federal clauses that opposition was concentrated. Stanley took up and developed Adderley's argument. The proposals were perfectly novel, wholly unnecessary, and therefore mischievous.

'Let the colonies themselves point out the nature of the combination, the species of concert, and the mode in which they desired to effect that combination or federative system of Government; and

¹ House of Commons, 25 April 1850: *Hansard*, Third Series, vol. cx, p. 804.

² *Ibid.*, p. 802. Robert Baldwin shared this fear: see above, p. 17.

³ There were now to be four members with an additional one for every 20,000 people—a basis rather less favourable to New South Wales than the original one. In the House of Lords Stanley attacked it as unfair to the larger colonies.

⁴ See above, p. 80. An amendment of Lord Monteagle that New South Wales and Victoria be given two chambers was, however, lost only by 22 to 20.

upon their petition and advice let Parliament—not the Crown—by an enactment passed in concurrence with the wishes of the colonies, give effect to that which upon experience they found to be necessary.’¹

If it was said that the clauses were permissive only, his reply was that none the less colonies would find themselves drawn into the league against their will and contrary to their interests.² Lord Grey’s defence was vigorous and able. He denied that the proposals were novel, pointing to Benjamin Franklin’s scheme of 1754, and he stoutly maintained that they were necessary.

‘His firm conviction was, that if these clauses were adopted, they might not make any extensive or very important alteration in the first instance, but they would be the beginning of a system which would swell and develop itself with the growing wants of these colonies and tend to bind them into one great nation, intimately and closely connected with this, and subjects of the British Crown. He believed, that if we did not provide, before difficulties and disputes and questions arose, some mode of solution, we should have infinitely greater difficulty afterwards in bringing different parties to concur in some arrangement that would be fair to all.’³

In the first instance, very likely, only New South Wales and Victoria would come in, but they would form a nucleus. Grey’s arguments, however, only secured a majority of one against Stanley’s motion that the clauses be expunged. To retain the clauses, which were not considered absolutely vital, might mean endangering the third reading: and Grey had to admit that there were defects in the machinery. On 28 June he announced that the clauses would be withdrawn.

The decision was taken with regret, but it can hardly be doubted that it was wise. Federal sentiment in the colonies was weak and sporadic: jealousy of New South Wales was a far stronger force. It was useless to attempt to persuade the colonists into federation when they themselves were blind to its advantages. Besides, the problems of representation and of finance were almost insoluble without detailed consideration on the spot. The fate of the scheme passed almost unheeded in the colonies except that the *Sydney Morning Herald* and the *Launceston Examiner* expressed

¹ House of Lords, 31 May 1850: *Hansard*, Third Series, vol. cxi, pp. 524–6.

² House of Lords, 14 June 1850: *ibid.*, pp. 1217–19.

³ *Ibid.*, pp. 1220–6.

regret. It had served a useful purpose in stimulating discussion: it gave the federal movement a spark of life which was never altogether lost. But Grey was in advance of his time, and it was in any case unlikely that New South Wales, whose co-operation was essential, would in its present temper accept any such scheme at the hands of the Imperial Government.

This suspicion of Imperial motives was well known to the Colonial Reformers, and indeed shared by them. It appeared in most of their speeches, and in the *Analysis of the Australian Colonies Government Bill* by Alexander Mackay, issued under their auspices. It was this that prompted their third great objection to the Bill—the absence of any provision for the limitation of the veto of the Crown in local matters. But that question will be discussed elsewhere.¹ Suffice it for the present to say that, despite the objections of the Colonial Reformers, the Bill which became law as the Australian Colonies Government Act (13 & 14 Vict., cap. 59) deserved to be called a liberal measure.

The Act formed the district south of the Murray River and a line drawn from its source to Cape Howe into the separate colony of Victoria; and set up Legislative Councils, one-third nominated and two-thirds elected, alike in Victoria, South Australia, and Van Diemen's Land, the exact numbers being left to the determination of the existing Legislative Councils. The franchise, which had been extended in the House of Lords, was to be given by six months' tenure of a freehold estate of the clear value of £100, or the occupation of a dwelling of the clear annual value of £10 or of a leasehold of the same annual value with at least three years to run, or the tenure of a depasturing license: Mr. Francis Scott thought it too democratic. In Western Australia, a Legislative Council of the same type might be established on petition of one-third of the householders, on condition that provision was at the same time made for charging upon the revenues of the colony such expenses as had been previously defrayed out of parliamentary grants. Further, upon petition of the householders, the territories lying northward of 30° S. might be detached from New South Wales, and similar provisions

¹ See below, pp. 492 ff.

should then apply to them. The Act also continued the general provisions of the New South Wales Act 1842 in regard to the proceedings and legislation of the Councils—such as the reservation of control of lands and land revenues, and the initiation of money votes by the Crown. It set aside a civil list, under the heads of judicial, administrative, and ecclesiastical establishments, of £73,500 in New South Wales, £20,000 in Victoria, £41,900 in Van Diemen's Land, £13,000 (none being for public worship) in South Australia; but empowered the Governors and Legislative Councils, subject to certain conditions, to alter these amounts. It included permissive district council clauses as recommended by the Committee of the Privy Council. It sanctioned the levying of customs duties except duties on the supplies for troops, differential duties of any kind, and duties inconsistent with treaties. And finally it empowered the legislatures, with the assent of Her Majesty in Council, to alter the electoral laws or to establish instead of the respective Legislative Councils 'a Council and a House of Representatives, or other separate Legislative Houses'.¹

Grey drew attention to the liberal powers of amendment in the covering dispatch sent out with the Act; but he expressed the opinion that it would not be advisable immediately to alter the mixed form of Council. It seemed to be working well in New South Wales, and to be suitable to small communities where few, particularly among the country settlers, had the leisure to attend to public affairs. Besides 'the progress of most of the Australian Colonies is so rapid, and the changes both in the general frame of society and its component parts, so continual, that any attempt to establish a more elaborate form of Legislature, if too hastily entered upon, is likely to be found defective in some unforeseen particular. . . . There would thus be danger of the institutions of the country becoming the subject of a succession of experiments, injurious to the public interest by the excitement they would be calculated to keep up, and by their tendency to divert public attention from measures of a more practical kind.'

He pointed out that the Act increased the financial control of the Legislative Councils. The salaries of judges must

¹ There had originally been a power 'to vary in any manner the constitution of the colonies', but the House of Lords had amended the clause so as to exclude the possibility of a Colonial Act establishing a single purely elective chamber.

not be diminished during their terms of office: the faith of the Crown must be kept with existing office-holders: the charges now provided for by permanent appropriations must not be made dependent on annual votes: but, after all, these restrictions were in the obvious interests of good government. The management of the customs establishment would be transferred to the Colonial Government. Even in the matter of the land revenue, the Imperial Government had no desire to control its appropriation except to ensure its expenditure 'on the objects to which it is legitimately applicable and in a manner consistent with justice towards those from whom it is raised'. He still hoped the colonies would see the advantages of co-operation. Despite the abandonment of the federal clauses Parliament would doubtless be willing to create a General Assembly if the colonial legislatures could agree upon terms.¹

Victoria, South Australia, and Van Diemen's Land, if not perhaps greatly impressed with the homily on intercolonial co-operation, appear to have been grateful for the boons the Act conferred on them. What had chiefly excited their criticism had been the General Assembly, and that had disappeared. New South Wales was the colony least affected by the Act, except in the matter of territory, and since the agitation against Lord Grey's earliest proposals had appeared almost indifferent. It was not so now. Perhaps the campaign of the Colonial Reformers and the suggestions of Gladstone and others that the lands should be transferred to colonial control² were responsible for the awakening. However that may be, the Legislative Council adopted on Wentworth's motion an elaborate Declaration and Remonstrance against the Act, which roundly denied its claim to be called a constitutional reform at all. The civil list, the subject of so many colonial remonstrances, had been actually increased, and the limited powers of alteration 'nullified by the subsequent instructions of the Colonial Minister': this was taxation of

¹ Grey to FitzRoy (30 August 1850): *P.P.*, 1851, xxxv (Cmd. 1303), pp. 32-7. By a dispatch of 13 January 1851 Sir C. FitzRoy was given a Commission as Governor-General; and Lieutenant-Governors were directed to communicate with him about all measures affecting other colonies. This device had little or no practical effect.

² After the proposal to transfer control to the General Assembly had been abandoned: *Hansard*, Third Series, vol. cx, p. 1396 &c.

the colonies contrary to the principles of the Declaratory Act of 1778. The bestowal of office, with but partial exceptions, was still exercised by or at the nomination of the Colonial Minister, without regard to the just claims of the colonists to all offices except that of the Governor himself. The 'exploded fallacies of the Wakefield theory' were still clung to, and the pernicious Land Sales Act was still enforced. The land revenue was reserved and misapplied: yet, derived as it mainly was from the value imparted to the lands by the labour and capital of the colonists, it was as much their property as the ordinary revenue: it ought to be under the control of the Legislative Council. The most ordinary legislation was subject to the veto of the Colonial Minister—'a fit climax to this system of misrule': no bills ought to be reserved for Her Majesty's assent unless they affected the prerogatives of the Crown or the general interests of the Empire.¹ This protest was reaffirmed by the new Legislative Council shortly afterwards elected, and the second protest passed from remonstrance to what was almost a threat:

'Whilst we are most anxious to strengthen and perpetuate the connection which still happily subsists with our fatherland, we feel it a solemn duty to Your Majesty and our fellow-countrymen in the United Kingdom, to declare that it will be impossible much longer to maintain the authority of a Local Executive which is obliged by its instructions to refer all measures of importance, no matter how great is the urgency for their immediate adoption, for the decision of an inexperienced, remote, and irresponsible department.'

They were ready of their own free will to grant a civil list if the Crown land revenues were surrendered and a constitution established similar in outline to that of Canada.² Apart from the cryptic reference to the Canadian constitution, there was still no express request for responsible government; and Sir Charles FitzRoy considered that there were not in the colony enough men of independent fortune prepared to hold office under such a system, and that both the Council and the public recognized this fact.³ But there

¹ FitzRoy to Grey (18 June 1851): Enclosure: Bell and Morrell, *op. cit.*, pp. 137-40.

² FitzRoy to Grey (15 January 1852): Enclosure: *P.P.*, 1852, xxxiv (Cmd. 1534), pp. 21-3.

³ *Ibid.*

could be no doubt that the colonists had persuaded themselves that they were being deprived of their rights and that the time had come to claim them. FitzRoy himself admitted that the demands were backed by the whole community, even to its most loyal members, and strongly advised concession.

In the Mother Country the colonists had now the able support of Robert Lowe in *The Times*, which with the opening of 1851 became a bitter critic of the Act it had so recently supported. 'The main want', it remarked, 'of the Australian colonies was not so much liberal as opposed to oligarchical institutions, as local instead of central government.'¹ But Lord Grey stood firm. The protest, he claimed with some justification, was not really directed against the Act at all. Her Majesty's Government had taken the greatest pains to ascertain the feelings and consult the wishes of the colonists. As regards the civil list, he could not understand the colonial objection to his dispatch. As regards patronage, the grievance of New South Wales was purely theoretical. As he told the House of Lords afterwards, he had made one appointment only: at the request of the Governor, he had selected a keeper for the Botanic Gardens.² Nor could he admit the land grievance to be a real grievance. The waste lands of the colonies were held by the Crown as a trustee for the inhabitants of the Empire at large, not for the inhabitants of any particular colony. Was it to be maintained that the occupants of one small corner of a vast unexplored territory had an indefeasible right to administer the lands and land revenue of the whole? What of the nation which had founded the settlement, perhaps at great expense, as a home for her own emigrants and a market for her own productions?

'When and on what conditions it may be desirable to transfer the control of the waste lands of a colony to its local Legislature is in my belief a question of expediency and not of right—of expediency respectively both to the local community and to the Empire at large . . . And I consider that of the Australian waste lands—lands to which I must add that their present value has been mainly given through the expenditure incurred by this country in founding, maintaining and defending the several settlements—to be for the present

¹ *The Times*, 14 January 1851. It often returned to the point later.

² *Hansard*, Third Series, vol. cxxii, pp. 915-16.

wisely as well as rightfully vested in the General Government under the strict rules imposed by Parliament.'

His real feeling in any case was that it was not the colonial legislatures but the district councils that could put up the strongest claim to the administration of the funds.¹ On the subject of the veto he was no more accommodating. He denied that it would be possible, with satisfaction to either party, to distinguish between local and Imperial questions. Large subjects would be absolutely withdrawn from the field of colonial legislation, and Acts passed with strictly constitutional intentions might inadvertently infringe the limits of their authority. Those limits could only be defined through the uncertain process of interpretation by the Law Courts. Only seven Acts had been disallowed since 1843, and about the same number had been returned for amendment, whilst of the 200 confirmed many would have been excluded by any delimitation of local and Imperial spheres. In short, another theoretical grievance.²

Yet it was one thing to argue that the grievances of the colonists were unsubstantial or beside the point, and another to refuse redress. Control of lands and such matters might appear but remotely connected with the Australian Colonies Government Act: but the prominence given to them in the remonstrances of New South Wales showed that these were the matters in which self-government was felt to be most conspicuously incomplete, and the gold discoveries gave the colonists a new consciousness of strength. The Council's reply to Lord Grey was to pledge itself, if only by a majority of one, not to vote the supplies for 1854 unless the second remonstrance met with a more favourable reception. Fortunately there was no necessity for such extreme measures. On 15 December 1852 Sir John Pakington replied to the second remonstrance in conciliatory terms.³ He agreed with Lord Grey that there was no just ground for the complaint regarding patronage, nor, practically speaking, regarding the

¹ *Colonial Policy of Lord J. Russell's Administration*, vol. i, pp. 321-3.

² Grey to FitzRoy (23 January 1852): Bell and Morrell, *op. cit.*, pp. 141-3, 262-5.

³ A dispatch of 2 June 1852, handing over the revenue arising from gold licences, legally at the disposal of the Crown, to the appropriation of the Legislative Councils of New South Wales and Victoria, gave an indication of what his decision would be.

veto of the Crown. He did not recognize any claim of absolute right to the administration of the waste lands, nor admit that the operation of the Land Sales Act had been in truth pernicious to New South Wales; but he was willing none the less to transfer both the lands and the land revenue to colonial control, so soon as changes had been made in the constitution, as suggested by the Legislative Council itself, providing for an elective Assembly, a Legislative Council nominated by the Crown, and a civil list granted by the colonial legislature. It was in the opinion of the Government a question not only of expediency but of justice, for these concessions had been made some time ago to the principal North American Colonies, and recently to New Zealand.¹ Apart from certain vague references to 'full self-government' and to 'enlarged functions and increased responsibilities', Pakington made no allusion to the subject of responsible government. None the less the dispatch, copies of which were sent to Victoria and South Australia, achieved its object. It was Imperial control of waste lands and land revenue that was felt to be so irksome: and the colonists may well have felt that responsible government was bound to follow this surrender. The simultaneous announcement that transportation to Van Diemen's Land would cease doubtless contributed to the appeasement of the colonists. Moreover within eight months, in a confidential dispatch of 4 August 1853, we find the Duke of Newcastle preparing Sir Charles FitzRoy for the early advent of responsible government, in view of the rapidly increasing wealth and population of the colony. One by one, the concessions were extended to the other colonies. In 1854-5 new constitutions, varying in type but agreeing in their establishment of a bicameral legislature, were established in them all, and the Land Sales Act was repealed. The Australian colonies had attained to fully responsible self-government.

It was thus not long before the policy of Lord Grey in regard to Australian self-government was abandoned; and the verdict must be that his unyielding attitude in the matter of the lands brought Australia, or rather perhaps New South

¹ Pakington to FitzRoy (15 December 1852): *P.P.*, 1852-3, lxiii (Cmd. 1611), pp. 44-8. Extracts printed in Bell and Morrell, *op. cit.*, pp. 265-6.

Wales, to the brink of a dangerous agitation. Yet it is important that his motives should not be mistaken. Colonial management of lands, he judged from the reports of the New South Wales Legislative Council, meant sale at a low price, and what was worse, competition among the colonies for emigrants, which would tend to lower the price still further.¹ He genuinely believed that such a policy would be harmful to the best interests of the colonies. Colonial management of the land revenue, he feared, meant injustice to the remoter districts, which had a right to have their outlay returned to them in the shape of labour and public works. As there were in New South Wales no such provincial councils as in New Zealand—where he was willing, he it remarked, to transfer the control of lands to them—but only a central legislature dominated by the ‘utterly unbalanced democracy’² of Sydney, he conceived it best that Imperial control should be for the present maintained: for it meant efficient administration on principles proved to be sound alike by theory and by experience. After all in the United States control of lands was in the hands of Congress. What Lord Grey did not see was that colonies of the British Empire were very different political entities from states in the American Union, where Senators and Congressmen from the Western States could go to Washington and have an effective voice in the control of federal land policy; and that control of the public lands was so vitally important a matter in a colonial society that without it self-government was felt to be a mockery. The colonists cared little for the purely constitutional points which so greatly interested Lord Grey, in comparison with a matter which so closely and obviously concerned their material well-being. The Australian Colonies Government Act could hardly by itself have engendered the heat of the Declaration and Remonstrance: but the feeling against the Land Sales Act had been steadily gaining strength, the struggle on the transportation question had added fuel to the discontent, and this much-heralded Act seemed to New South Wales almost irrelevant to the

¹ See his speech in 1849 on the proposed cession of lands to the General Assembly: *Hansard*, Third Series, vol. cvii, p. 465.

² The phrase is Lord Grey's: *ibid.*, vol. cxxii, p. 919.

real questions of the day. The burning words of the Remonstrance were a natural outcome of such a state of things; and the discovery of gold in the same month of May was a new unsettling influence. It was well for the Empire that a new Secretary of State should take control of what was in fact a new situation. Lord Grey's lack of sympathy and understanding was warping his judgement and nullifying whatever influence might have been exerted by his broad and far-sighted views.

There is no doubt that the attitude of New South Wales towards the Act of 1850 was in large measure due to lack of confidence in Lord Grey; and that this lack of confidence was due far more to his land policy and his transportation policy than to his constitutional policy properly speaking. It is significant that the Vagrancy Act, brought up by the Legislative Council as an example of misuse of the veto power,¹ was a product of the anti-transportation movement. After all, he had given to South Australia and Van Diemen's Land their first free constitutions, and to Victoria the wished-for separation from New South Wales; abandoning Durham's reservation of the 'form of constitution' as an Imperial matter, he had given wide powers of amendment to the Colonial Legislatures; he had extended their control of finance. Outside of New South Wales, the changes he had effected had been nothing less than a transformation. Where he had differed from his critics the Colonial Reformers he had on the whole been right. He saw that there was such a thing as a 'second chamber question'. No one would now pretend as his critics did, that it was of vast importance that the colonies should then and there be set on 'the right path', as though there were but one 'right path', its direction once and for all determined. He saw that two of the greatest dangers threatening the Australian colonies were those of centralization on the one hand, of colonial localism and intercolonial rivalry on the other. Impotent though he proved to be to avert these dangers his attempt was a statesmanlike attempt. If the twentieth-century Australian, every time he changes trains on the journey from Brisbane to

¹ FitzRoy to Pakington (20 August 1852): Enclosure: *P.P.*, 1852-3, lxiii (Cmd. 1611), p. 26.

Perth, knew that Lord Grey expressly warned the colonists of that day of the danger that such things would happen, he might perhaps be ready to appreciate the good points of the statesman of whom the histories remark that he was the last opponent of responsible government and the last defender of transportation.

XVI

THE TRANSPORTATION QUESTION

THE poison of suspicion which pervaded Australian feeling towards the Imperial Government while Lord Grey was Secretary of State undoubtedly owed much of its virulence to his association with the system of convict transportation. Yet in no matter did he strive more earnestly to shake himself free from the shackles of the past and start afresh.

The Transportation Committee of 1837-8, we have said, dealt the system a damaging, but not a mortal blow; and so long as the Melbourne Ministry remained in office, the policy of Lord John Russell was to reform the system in the light of its Report. Hence the stoppage of transportation to New South Wales, the discontinuance of assignment, the proposed abolition of the punishment in cases of larceny, and the institution of the 'probation' system with the view of training the convict, after a period of severe imprisonment, to perform the duties of society 'by a regular period of labour and reward'.¹ Russell's policy was not radical enough for Molesworth, the Chairman of the Committee, but it was in advance of general opinion. In 1841 Lord Mahon carried by 49 to 28 in the House of Commons a motion declaring highly inexpedient 'the large increase of the number of convicts to be permanently confined in the hulks of Great Britain';² and later in the year Stanley came into office, sympathizing little with Russell's reforms and complaining that they made an efficient system almost impossible.³

However, there was no use crying over spilt milk; and Stanley, believing transportation to be both the cheapest and the most reformatory method of punishment, proposed to continue sending the four thousand men annually sentenced to be transported to the only penal colonies still open, Van Diemen's Land and Norfolk Island. The details

¹ Russell to Gipps (1 August 1841): *P.P.*, 1841, xvii (H.C. 412), pp. 70-1.

² 23 March 1841: *Hansard*, Third Series, vol. lvii, pp. 522-57.

³ Stanley to Peel (3 October 1842): Bell and Morrell, *op. cit.*, pp. 288-9.

of the plan were prepared in consultation with Mr. Montagu, lately Colonial Secretary of Van Diemen's Land and nephew of Governor Arthur, perhaps the ablest administrator the convict system had known, and with Sir James Graham.¹ The more serious cases were to go first to Norfolk Island for an imprisonment of from two to four years: Captain Maconochie, who was at present conducting there a probation experiment based on the award of marks for industry and good behaviour, was to be superseded and a severer discipline introduced. The seven years convicts, whom Russell had proposed not to transport at all, were to pass at once to the second stage, in Van Diemen's Land—hard labour of one or two years, varying according to conduct, in the 'probation gangs', which would be employed in the service of Government, generally in the unsettled districts. In the third stage men would be given 'probation passes', and might with the consent of Government engage in private service for wages, or, failing that, be employed without wages by Government. By good conduct they might, when half their sentence had expired, reach the fourth stage and receive a ticket of leave, which meant comparative freedom during good behaviour. Finally, on the recommendation of the Governor, Her Majesty might be moved to grant a conditional or absolute pardon. In its details the policy was an elaboration of the probation system already in operation; but it was rather more stringent in its regulations, and it proposed to pay more attention to the religious and moral instruction of the convicts.²

It is useless, however, to devise an elaborate system unless it is well administered; and in this matter Lord Stanley's judgement was gravely at fault. Inefficient superintendence was one of the great complaints against the old road-gangs; and Sir John Franklin expressly said that 'the colony affords very few persons properly qualified to work out any system of penal discipline';³ yet Lord Stanley made no real effort to provide suitable overseers and subordinate officials, and gave the government to Sir Eardley Wilmot—a man whom

¹ The Attorney-General of New South Wales was also consulted.

² Stanley to Franklin (25 November 1842): Bell and Morrell, *op. cit.*, pp. 289–94.

³ Franklin to Stanley (1 April 1842): CO 280/144.

he had but lately described to Peel as 'a muddle-brained blockhead'.¹ The Treasury was responsible for another serious error, in which Stanley unwisely acquiesced. The labour of the convicts was to be primarily directed to reducing the cost of their maintenance. The regulations for their employment, whether in jobbing parties for private individuals or for the Colonial Government, were made much more stringent and the payments demanded much increased.² Stanley seemed determined to convince the colonists that the advantages of transportation had been greatly overrated.

He was soon faced with the consequences of his disregard of colonial interests. Van Diemen's Land, like her neighbours, was suffering in 1843 from acute commercial depression. The new financial arrangements reduced to vanishing point the demand for convict labour. The Comptroller-General of Convicts, in accordance with his instructions, proceeded to move the road gangs as rapidly as possible to the unsettled districts, there to be employed in cultivating land, and in otherwise contributing to their own support. The only check was the difficulty of accommodation. 'So little were the interests of the colony consulted, that roads which would have taken a few weeks only to complete throughout were suddenly abandoned.'³ Stanley admitted that the depression had upset his calculations, but did not see that the colonists had any grievance if convicts were no longer employed in the service of the colony or of private individuals gratuitously or at a specially low rate. Valuable though the free settlers had been to Van Diemen's Land, they were not entitled to regard the convicts as intruders, or to claim any indemnity for their presence in what was, after all, primarily a penal settlement. As for their demand that Great Britain should pay part at least of the judicial expenditure, the charges of defending the colony and of maintaining the unemployed convicts were burden enough.⁴ It was impossible, however, for a Lieutenant-Governor to allow his

¹ Stanley to Peel (n.d.—December 1842?): *Peel Papers*, vol. cclxxxvii.

² Stanley to Franklin (23 August 1842, 24 April 1843): CO 408/21. The rate of payment on colonial works was fixed at 6*d.* a day.

³ Wilmot to Gladstone (2 September 1846): CO 280/196.

⁴ Stanley to Wilmot (31 August 1844): Bell and Morrell, *op. cit.*, pp. 295-9.

colony to be argued into bankruptcy; and early in 1845 Wilmot summoned up courage to defy his instructions and borrow from the military chest. When the land revenue had dwindled away to nothing at all, and the police and gaol expenditure—deemed in 1836 to be an equivalent for the land fund—had reached unheard of proportions,¹ when the convict allotments—ill-managed and unremunerative though they were—competed, in so far as they succeeded, with the struggling colonial farmers, the colonists might well feel themselves aggrieved. It was hardly surprising that the unofficial members of the Legislative Council, impatient at the persistent refusal of their demand that the police and gaol expenditure should be defrayed by the Imperial Government, should towards the end of 1845 one and all resign their seats. Some of the colonists indeed went further. They petitioned the Queen

‘that the number of convicts in this island may as speedily as possible be reduced to that which existed in 1840;² that transportation to the colony may cease until this object is effected; that meanwhile adequate protection may be afforded to the colonists, and better means adopted for the moral and social improvement of the convicts; that the colony may be relieved from every expense occasioned by convicts not in the employment of settlers; and that arrangements may be made for the gradual and total abolition of transportation to Van Diemen’s Land.’³

It was the obvious reply to Stanley’s argument that the free settlers were only in Van Diemen’s Land on sufferance. For that matter, his system, as it actually worked out, was hardly more satisfactory to Government than to the settlers. Despite an improvement in the demand for labour, there were at the end of 1845 3,268 passholders still awaiting hire, maintained at the expense of Government, little better off than they had previously been in the probation gangs, and receiving no such reward for industry as the system led them to expect.

Some attempt, it is true, was made by Stanley to avert

¹ It amounted now to £36,737 out of a total revenue of £116,664: Wilmot to Stanley (24 January 1845): CO 280/179.

² At the end of 1845, there were 25,000 convicts in the colony: 17,637 were sent there between 1841 and 1845. Of course a certain number of men had ceased to be convicts in the interval.

³ Wilmot to Stanley (1 August 1845): Enclosure: *P.P.*, 1846, xxix (H.C. 36), p. 40.

a total breakdown. The Treasury in February 1846 consented, in response to strong pressure from the Colonial Office, to assume two-thirds of the police and gaol expenditure. It was not a question of right, they said: the embarrassment was due to laxity of system and profuse expenditure: but they paid.¹ Stanley himself, while seeing no reason why Van Diemen's Land should be 'swamped' if four thousand convicts arrived each year,² did something to reduce the pressure of numbers. The men who had passed through solitary confinement in the new experimental prison of Pentonville formed a special class. If they were sent to Van Diemen's Land, the precious fruits of their solitary meditations might be endangered by intercourse with a convict society. The Governors of New South Wales and Van Diemen's Land and the Superintendent of Port Phillip were to consult as to the best means of disposing of the men, who would amount to some five hundred each year.³ The upshot of it was that they were sent as 'exiles' to Geelong, where they were readily absorbed. A further measure of relief, taken in 1845 despite the vehement protests of New South Wales and South Australia, was the extension of the limits of a conditional pardon to all the Australian colonies, so that the holders of such pardons might not be forced to compete in the labour market of Van Diemen's Land.⁴ Last, but not least, came the project, which rapidly ripened in the later months of 1845, for an entirely new penal settlement in North Australia.

The possibility of such a settlement had been mooted when the disposal of the Pentonville exiles was under discussion; but the new plan seems to originate in a report of the Inspectors of Prisons, the principal expert body in matters of convict discipline. They were dissatisfied with the working of the new system in Van Diemen's Land; but they still thought that the average convict should face the long voyage and the crowded ship before, and not after, his period of probationary and reformatory discipline. The obvious

¹ Trevelyan to Stephen (2 February 1846): *P.P.*, 1846, xxix (H.C. 36), p. 25.

² House of Lords, 3 March 1846: *Hansard*, Third Series, vol. lxxxiv, p. 487.

³ Stanley to Gipps (27 July 1844): *P.P.*, 1846, xxix (H.C. 36), pp. 26-9.

⁴ Stanley to Wilmot (5 February 1845): *P.P.*, 1846, xxix (H.C. 401), p. 2. Gladstone extended the concession: the men were to be allowed to go anywhere except to the country or colony from which they had been transported.

solution seemed to be to send the men for punishment to a settlement exclusively penal, where there could be no conflict between their interests and those of other classes of inhabitants, and where they could be given some real training in habits of industry. When they had earned their conditional pardons, they should be 'spread as widely as possible over the adjacent free colonies which may be prevailed upon to receive them'. The site suggested for the new experiment was the Chatham Islands, some hundreds of miles to the east of New Zealand.¹ After some months of discussion the plan emerges in a new form. It is no longer a plan for a 'penal settlement' in the full sense of the term in the Chatham Islands, but one for the settlement of liberated convicts from Van Diemen's Land in North Australia. There was a good deal to be said, in Stephen's opinion, for removing the convicts from the neighbourhood of free settlers. In North Australia, the self-supporting allotment system, which in Van Diemen's Land could never hope to contend against colonial unpopularity or the lure of the settled districts, might succeed. There would be no commissariat to fall back upon; no towns to haunt; no old settlers or free manual labourers to resent the rivalry of the convicts; no popular clamour to contend against. In place of the vicious influences of the road gangs, there would be a premium on self-dependence, energy, and industry.² Stanley and Graham agreed in general with Stephen. Peel was more dubious, thinking that the dilemma 'work or starve' would somehow be avoided; but in September 1845, in view of the desperate situation in Van Diemen's Land, he gave his formal assent to the experiment.³ It was arranged that the new colony should be carved out of New South Wales north of the twenty-sixth parallel; that all liberated convicts in Van Diemen's Land who threw themselves on Government for support should be transferred thither; and that in the meantime rations, clothing, tools, and tents should be allowed them for a year after arrival.⁴

¹ Report in Home Office Letter (31 May 1845): CO 280/187.

² Memorandum of Stephen (24 September 1845): CO 206/62.

³ Minute (30 September 1845): *ibid.*

⁴ Stephen to Phillipps (8 September 1845): *P.P.*, 1846, xxix (H.C. 36), pp. 14-15; Stephen to Trevelyan (21 November 1845): *ibid.*, p. 20.

Meanwhile, however, the time for such palliatives was passing. Norfolk Island was a hotbed of corruption and insubordination, of which the fruit was a serious mutiny on 1 July 1845, savagely suppressed by a new commandant. Van Diemen's Land was in appearance orderly enough; but in fact the absence of proper classification or accommodation, the deficiencies of the overseers alike in character and in intelligence, the desire for economy at all costs, had between them produced an appalling amount of indulgence and of vice among the convict gangs. 'Vice of every description,' wrote the sober Latrobe in his official report in 1847, 'is to be met with on every hand—not as isolated spots, but as a pervading stain'.¹ According to West, the contemporary historian, the Comptroller-General of Convicts had never any belief in the system which it was his duty to carry out.² Ugly rumours began to reach England, and the absence of detailed criticism of the working of the system excited the suspicions of the Colonial Office. Gladstone, in April 1846, resolved upon decisive action.

'It would appear', he wrote to Wilmot, 'from almost every account of the colony which reaches me, except your own, that there is supposed to prevail in these probation parties a state of things the most formidable, perhaps, of all, in which the very absence of the external notes of crime is but the sign of the extensive and undisputed reign of some of its very worst and most revolting excesses, and of the all-powerful combination by which it is sheltered from the light.'³

He recalled Wilmot, replacing him by Major Denison, who as an officer of engineers had already had some experience of superintending convict labour in Great Britain; and proposed to suspend for two years, or at the very least greatly to reduce, the introduction of convicts into Van Diemen's Land. Wilmot successfully defended himself against the imputations against his private character which Gladstone, on the authority of an unnamed person—in reality, the Bishop of Tasmania—made in a private dispatch of the same date; but on public grounds there can be no doubt that the recall was justified. Poor Wilmot! He had been set an

¹ Latrobe to Grey (31 May 1847): *P.P.*, 1847-8, lii (Cmd. 941), pp. 33 ff.

² West, *History of Tasmania* (Launceston, 1852), vol. ii, p. 305.

³ Gladstone to Wilmot (30 April 1846): *P.P.*, 1847, xxxviii (H.C. 262), pp. 2-3.

impossible task. But the state of things in Van Diemen's Land, as revealed in the report of Latrobe, who was sent over from Port Phillip to take temporary charge, required a new broom which should sweep clean.

What was to be done, however, with the convicts who would in the ordinary course have gone to Van Diemen's Land? Public works already proceeding at Gibraltar and Bermuda could account for some; and some might perhaps be taken for similar purposes by the Cape, or employed in preparing lands for settlement in Natal, or in building a railway from Halifax to Quebec.¹ Above all, men might perhaps again be sent, not only for labour on public works, but also for private service, to New South Wales.

This would not, said Gladstone, be a revival of the old transportation system, but something 'essentially and entirely different'. Labour was scarce in New South Wales; and in Port Phillip the demand had apparently 'taken a direction not unnatural, namely, that of a desire for the introduction of prisoners passing through the later stages of their term from Van Diemen's Land'. From the reformatory point of view, it would be economically and morally to the advantage of the prisoners that they should go to the free community of Port Phillip: from the point of view of the settlers it would be economically advantageous, and if the previous discipline could be made efficient, the moral disadvantage would at least be reduced to a minimum. But quite apart from the convicts in the later stages of punishment, it might also be beneficial to the colony to introduce a limited number of convicts from England direct, for employment on roads and other works for which it was particularly difficult to get free labour. Sir Charles FitzRoy was to ascertain the opinion of the colonists upon these two proposals.²

Long before these plans could come to fruition, a change of Ministry had occurred in England and Gladstone had given way to Grey. The decision to suspend transportation to Van Diemen's Land was at once confirmed; and measures

¹ Stephen to Phillipps (13 May 1846): *P.P.*, 1847, xlviii (Cmd. 788), pp. 9-12. The replies from North America were not altogether unfavourable, but the scheme came to nothing. See also below, p. 420.

² Gladstone to FitzRoy (30 April 1846) (Private and Confidential): *P.P.*, 1847, xlviii (Cmd. 788), pp. 12-13.

were also taken to remedy the evils which had led to the decision. Denison was given efficient assistants in the shape of a body of N.C.O.'s of the Corps of Sappers and Miners, who were to act as overseers and to be paid by the Imperial Treasury. The unemployed passholders were to be given work in preparing lands for settlement so as to attract agriculturists with capital to the colony.¹ And the claims of the colony to further financial relief were conceded. Half the salary of the Lieutenant-Governor was to be paid out of Imperial funds; and the £32,000 odd due for convict labour on colonial works, and all future charges for the same service, were to be remitted.²

Sir William Denison found on his arrival that unemployment was no longer a problem: indeed, owing to the exodus of conditionally pardoned men, there was even a deficiency of labour for ordinary Government work.³ In the system of convict management, however, he thought there was much room for improvement; and in the financial arrangements, concession had not yet been carried far enough. Recent policy had had the effect of stopping colonial works and had fostered the idea that the interests of the colony and of the Mother Country were opposed. In particular, the land revenue ought once again to be made applicable to colonial objects. With these reforms in operation, Denison predicted, the cheapness of convict labour would lead to a great development of the resources of Van Diemen's Land, and would attract a wealthy and well-educated class, who would exert a salutary influence upon society. Wages were higher on the mainland: doubtless that might mean a steady drain of emigrants. But would the island be the loser? Among them would be some of the worst characters. On the other hand there was little reason to fear that they would be numerous enough to make an appreciable difference to the morals of the other colonies.⁴ In short, transportation could be made decidedly beneficial to Van Diemen's Land; and even those who desired its abolition had to admit that some substitute

¹ Grey to Denison (30 September 1846): *ibid.*, pp. 57-9.

² Treasury Minute (October 1846): CO 280/196; Grey to Denison (26 April 1847): CO 408/28.

³ Denison to his brother (28 January 1847): *Varieties of Vice-Regal Life*, p. 18.

⁴ Denison to Grey (10 July 1847): *P.P.*, 1847-8, lii (Cmd. 941), pp. 80-9.

would be necessary—such as a large introduction of free immigrants at Imperial expense.¹

None the less it was not merely reform but abolition that Grey was aiming at. He and his colleagues believed that a prisoner ought to serve the strictly penal part of his sentence not in a remote colony but at home, where supervision could be so much closer. After a limited period of separate imprisonment in England there should be a period of employment on public works either there or at Gibraltar or Bermuda, and after that exile; but the exiles should leave England not collectively but as individuals, so that they might be absorbed in the general population of the colonies to which they went.² The new plan was explained to the House of Lords, when Parliament met, by Lord Grey, and to the House of Commons by Sir George Grey and Charles Buller; and the decision not to resume transportation after the two years' suspension was communicated to Van Diemen's Land.³

The Ministerial policy was approved by *The Times*, with the reservation that the exile would have better prospects than the honest working man,⁴ and warmly welcomed by the Radical *Spectator*.⁵ It was, however, criticized from two angles. The *Morning Chronicle* feared that 'compulsory emigration' might in practice be 'something extremely like the "transportation" that was to have been virtually abandoned'.⁶ A colonial correspondent of *The Times* was clearly influenced by the same fear:

'If any mere change in the details of that system be suffered to divert public attention from the inveterate evils which no such change can ever remedy, it will rather be a mischief than a good. . . . As the foundation of a permanent convict system, no change ought to be accepted which does not abandon at once and for ever the selfish and heinous sin of casting off on infant countries the scum and refuse of our own society.'⁷

¹ Denison, *Varieties of Vice-Regal Life*, pp. 25-7, 32-3, 39.

² Sir G. Grey to Earl Grey (20 January 1847): *P.P.*, 1847, xlviii (Cmd. 788), pp. 195-8.

³ Grey to Denison (5 February 1847): *ibid.*, p. 193. The North Australia proposal had already been dropped.

⁴ *The Times*, 16 December 1846, 12 January and 6 March 1847.

⁵ *The Spectator*, 27 February 1847.

⁶ *The Morning Chronicle*, 8 March and 7 June 1847.

⁷ 'Scotus' in *The Times*, 18 December 1846.

The point was driven home by Molesworth in the House of Commons. The exiles must perforce go either to colonies that were too weak to complain with success or to colonies that would be willing to receive them. And what colonies would be willing to receive banished offenders? If any, then only the penal colonies; and those were the places least adapted for their permanent reformation. The exiles would, in fact, still form a criminal caste. Far better, said Molesworth, make expatriation voluntary, as suggested by Archbishop Whately and by the Transportation Report of 1838. The most likely voluntary emigrants were those who had been reformed by their punishment, who wished to lead a life of honest industry but were afraid of not finding employment in this country. The others, who would in all probability lead a life of crime whether in Great Britain or in the colonies, it was most unjust to send abroad.¹ In fine, from the colonial point of view, the reform, though it might aim at the abolition of transportation, in reality fell far short of the mark.

On the other hand, it went much too far for the conservative minded. Sir James Graham made the most doleful predictions as to its consequences.

'If you attempt long terms of imprisonment in this country, public opinion will be revolted; the pressure upon the Executive Government will be excessive . . . ; and at last, if we do not take care, in our sympathy for the sufferings of criminals, we shall so mitigate our code . . . that crime will be committed with impunity.'²

No less a body than Her Majesty's Judges, consulted by a committee of the House of Lords, lent support to this view. They all declared, almost without qualification, that transportation could not safely be abandoned; that it had terrors for offenders which no other punishment but death possessed. The committee itself, in its report, dwelt upon the evidence of the evil effects produced in France and elsewhere by the liberation of convicts on the expiration of their sentences, and expressed doubt as to whether the exiles ought to be freed from all restraint.³

¹ House of Commons, 3 June 1847: *Hansard*, Third Series, vol. xciii, pp. 64-91.

² House of Commons, 10 June 1847: *ibid.*, pp. 328-30.

³ Report and Minutes of Evidence: *P.P.*, 1847, vii (H.C. 534).

It was no easy matter to keep to a middle course when beset by such criticism both from the transportationists and from the abolitionists. The Government weakened. The two sets of critics seemed to agree in doubting whether the exiles would in fact be fit for freedom; and Sir William Denison himself concurred. It was accordingly decided to send the men out with tickets of leave instead, at the expiration of half their sentences. This would enable Government to assign to each man the district within which he was to live, and as far as possible to disperse the men throughout the colony where they might find employment at a distance from the temptations of the towns. Also, to earn their conditional pardons, the men would be required to repay the cost of their passage—a requirement which, it was hoped, would be an incentive to industry.¹

Going out, however, with tickets of leave only, the convicts could go only to a penal colony, in other words, only to Van Diemen's Land. Was not this a stultification of the whole reform policy? Lord Grey denied it. Under the new system the old evils would no longer arise. The gangs would cease to be a scandal. The cheap labour, no longer to be withheld from the colonists under the delusive hope of a self-supporting convict system, would give a stimulus to development, whereas abolition would certainly involve the colony in severe pecuniary difficulties—difficulties which would be by no means favourable to moral and social advancement. The land revenue would be applied to immigration again, and for the current year at least Parliament would be asked to vote something for the same purpose.² And, finally, the ticket-of-leave men would if possible be sent to other colonies as well.

This last proposal carries us back to Gladstone's New South Wales dispatch. The report of the committee of the Legislative Council, with W. C. Wentworth at its head, which considered the dispatch, admitted that a large majority of the colonists, particularly of the working classes, were on principle opposed to transportation, but did not regard this as a conclusive objection:

¹ Grey to Denison (27 April 1848): Bell and Morrell, *op. cit.*, pp. 301–5.

² *Ibid.*

'Seeing . . . that, in the view of your Committee, transportation is no longer an open question—that the dispatch . . . assumes that transportation is still to go on to Van Diemen's Land and the other penal establishments formed in these seas; seeing, moreover, that a new penal settlement is immediately to be formed on the very Northern Boundary of the colony . . .; your Committee consider that the question for their determination is substantially narrowed down to this: . . . whether . . . we are to have this double tide of moral contamination flowing in upon us without check or restraint, and without any counteracting advantages, or whether, along with whatever compensations transportation can be surrounded, we are to have the additional advantage of modifying and regulating its inevitable introduction into this colony by the knowledge which fifty years' experience of its working has given us, and which will at all events enable us to combine with the greatest possible good derivable from it, the least possible admixture of evil.'

For these reasons the Committee proposed to accept Gladstone's suggestion, but they still demanded their price. There should be no 'probation gangs': the numbers introduced should be not less than five thousand a year, enough, that is to say, to make a real difference to the labour problem: the equilibrium of the sexes should be preserved, and an equal number of free immigrants should be introduced concurrently with the convicts: and two-thirds of the judicial, police and gaol expenditure should be defrayed by the Imperial Government.¹ The opponents of transportation, on the other hand, were not silent. They urged that the land revenue was increasing and that there would soon be ample funds available for free immigration; that transportation would make life and property insecure again, would jeopardize the civil and political rights of the colonists, would revive disappearing social distinctions, would impose heavy burdens on the community as a whole and be beneficial only to a few.² It was indeed an apple of discord that Gladstone had thrown into the colonial community!

From Lord Grey's point of view, however, there was no reason why these clamours should be allowed to drown the voice of a Committee of the Legislature. He replied that if

¹ FitzRoy to Gladstone (6 November 1846): Enclosure: *P.P.*, 1847, xlviii (Cmd. 800), pp. 6–10.

² Petition from Maitland (1210 signatures) and other Enclosures: FitzRoy to Gladstone (6 November 1846): *P.P.*, 1847, xlviii (Cmd. 800).

the Legislative Council on reassembling should adopt the Report he would make arrangements to send out convicts with tickets of leave or, more rarely, conditional pardons. He would also be prepared to give facilities to the wives and families of well-conducted convicts to join them, and to send out at the cost of the British Treasury a number of free emigrants equal to that of the convicts.¹ Long before this dispatch reached the colony the Council had disavowed its Committee and recorded its opinion 'that a return to the system of transportation and assignment would be opposed to the wishes of this community, and would also be most injurious to the moral, social and political advancement of the colony'.² When Lord Grey's offer reached it, however, the temptation was too great. It unanimously accepted his proposals, merely making a few stipulations about the wives and families of the convicts and the exiles already sent to Port Phillip.³ Strong in the support of both the leading newspapers—the *Herald* and the *Australian*—it had dared to defy the opposition.

The news reached England in August 1848. Lord Grey was more than ever anxious to dispose of the convicts, for the prisons in Ireland were full to overflowing, thanks to the famine and the rebellion. It was, however, the fag-end of the session, and the state of the national finances, in the opinion of the Government, precluded for the present a grant for free emigration. What was to be done? Lord Grey's first impression was correct: the convicts, he remarked in a minute, 'could not be sent without incurring a charge of breach of faith'.⁴ But Mr. Francis Scott and other gentlemen connected with New South Wales had just been making representations as to the urgent need of labour by the pastoralists of the colony.⁵ Lord Grey in his turn succumbed to the temptation, and decided to send a moderate number of men unaccompanied by free emigrants. The stream of

¹ Grey to FitzRoy (3 September 1847): *P.P.*, 1847-8, lii (Cmd. 941), pp. 8-9.

² FitzRoy to Grey (25 September 1847): Enclosure: *ibid.*, p. 31.

³ FitzRoy to Grey (10 April 1848): Enclosure: *P.P.*, 1849, xliii (Cmd. 1022), pp. 38-9.

⁴ Minute on Sir C. FitzRoy's dispatch (15 August 1848). CO 201/396.

⁵ Grey to FitzRoy (16 August 1848) and Enclosure: CO 202/54. Cf. also *Hansard*, Third Series, vol. ci, p. 35.

ordinary emigrants now flowing into New South Wales again would, he trusted, neutralize any possible demoralizing effect. He proceeded, accordingly, to revoke the Order in Council abolishing transportation to New South Wales—a necessary preliminary to the dispatch of men with tickets of leave. Should the colonists after all object, the Government would apply to Parliament for a vote sufficient to send out an equal number of free settlers, and no more ticket-of-leave men would be sent.¹

The error of judgement was perhaps excusable, but Lord Grey paid dearly for it. The working men of Sydney, who had all along thrown their weight behind the agitation against transportation, were no less opposed to it now that their wages had begun to fall. It was a golden opportunity for new men like Charles Cowper and Henry Parkes to win popularity and power at the expense of the older leaders who seemed to be losing touch with the people. Robert Lowe saw which way the wind was blowing, and 'ranged himself with the popular democratic party against the squatter and official aristocracy'.² Port Phillip had been receiving exiles since 1844—1727 in all had come—but the later shipments had not been as well chosen as the earlier, and the squatters themselves were losing faith in them:³ as for the town of Melbourne, it was almost united in opposition, and only one of the newspapers ventured to take the unpopular view.

The news that the first ship of the new series was to be sent to Port Phillip reached Melbourne in March 1849 and put the finishing touch to the indignation of the colonists.

'This meeting', declared the worthy inhabitants of Port Phillip, 'has learned with the utmost astonishment, alarm, and indignation, that notwithstanding the numerous demonstrations of the unwillingness of the inhabitants of Port Phillip to consent on any terms to the importation of British criminals, and despite the utter failure of the

¹ Grey to FitzRoy (8 September 1848): *P.P.*, 1849, xliii (Cmd. 1022), pp. 50-2.

² Patchett Martin, *Life of Lord Sherbrooke*, vol. i, pp. 379-81.

³ The decision to substitute tickets of leave for conditional pardons applied to Port Phillip, but not only or mainly to Port Phillip, as Professor Scott appears to assume (*Victorian Historical Magazine*, vol. i, pp. 129-30). The change was no doubt difficult to reconcile with the abolition Order in Council of 1840, but the point was doubtless felt to be a minor one when that policy was being reconsidered.

exile system formerly adopted, the Home Government contemplates constituting this province a place to which felons may by law be transported, and that the next ship is actually to bring us convicts of the ticket of leave class.¹

There could be no doubt now about public feeling; and Latrobe wisely wrote to Sydney that Port Phillip was neither properly prepared nor willing to receive the men.¹ FitzRoy agreed, and when the *Hashemy* arrived and the bolder spirits marched down to Hobson's Bay to resist the landing of the convicts, it had already been decided to send her on to Sydney.

At Sydney meanwhile there had been very similar excitement. Vehement petitions to the Queen accused Lord Grey of breaking faith and of inflicting 'an injury which every authorized communication transmitted from the colony incontestibly proves would be keenly felt and strenuously resisted'.² The *Sydney Morning Herald* discreetly changed sides; and a general election had a wonderful effect upon the Legislative Council. The new Council unanimously declined to accede to Lord Grey's proposal.³ The arrival of the *Hashemy* in June evoked fiery denunciations by Lowe and other orators of the wicked convicts and the still more wicked Imperial Government.⁴ But the squatters were busily engaging the men, and the later ships found it equally easy to dispose of their freight either at Sydney or at Moreton Bay. The minority was as little disposed to give way as the popular party earlier had been.

Unfortunately the division of opinion tempted Lord Grey into another error of judgement. The vote for free emigration had been passed now after all, and the system in operation was the system the Legislative Council had approved. Grey decided to send no more ticket-of-leave men for the present, but he did not accept the advice of Sir George Grey and Lord John Russell that the 'senseless caprices' of New South Wales should be overlooked and the Order in Council permitting transportation forthwith revoked.⁵ He asked that

¹ Latrobe to Deas Thomson (16 March 1849): *P.P.*, 1850, xlv (Cmd. 1153), pp. 7-8.

² FitzRoy to Grey (1 May 1849): Enclosure: *ibid.*, pp. 10-11.

³ FitzRoy to Grey (1 June 1849): Enclosure: *ibid.*, p. 19.

⁴ Lowe denounced the sending of the ship as 'the grossest outrage that had ever been perpetrated on any community'.

⁵ Russell to Grey (20 November 1849): *Howick Papers*.

the Legislative Council should come to a final conclusion in the light of a full knowledge of the facts.¹ It may be that he hoped the Council might agree to keep open Moreton Bay, where the demand was greatest and the opposition least. He only succeeded in intensifying the opposition to the whole convict system.

So much for what had seemed the most hopeful of Grey's attempts to relieve Van Diemen's Land. The North American Colonies were ruled out by the fact that Irish immigration was already proceeding as fast as they could cope with it, and little can have been hoped of Ceylon, Mauritius, or New Zealand—to each of which an inquiry was addressed in vain. At the Cape, prospects seemed better. Montagu, the Colonial Secretary, was an admitted authority on convict discipline and a great road-builder. The reply to Gladstone's inquiry had been favourable.² The shortage of labour was evident: the Legislative Council in 1848 voted £16,000 for immigration. On 7 August of that year Lord Grey asked Sir Harry Smith whether a supply of ticket-of-leave men of good character might not be acceptable.³ He did not wait for a reply. There were a couple of hundred Irish peasants guilty of agrarian crimes in the troubles after the famine, utterly unfit for the discipline and labour of Bermuda, entirely undeserving of being mixed with ordinary criminals in Van Diemen's Land. Surely, he thought, even if the inhabitants of the Cape objected to convicts in general, they could not object to receiving these particular convicts and relieving the Imperial Government from a peculiar difficulty.⁴ These men, and with them the 'Young Ireland' leader, John Mitchel, would be sent out immediately.

The Cape, however, did object. It was an insult to the loyalty of the colonists that their country should be made 'a receptacle for criminals of any description, much more for desperate men who instigated the lower orders of their countrymen to acts of unparalleled wickedness'. In any case the vast extent and sparse population of the country districts,

¹ Grey to FitzRoy (16 November 1849): *P.P.*, 1850, xlv (Cmd. 1153), p. 51.

² Maitland to Gladstone (10 September 1846): *P.P.*, 1849, xliii (H.C. 217), pp. 16-17.

³ *Ibid.*, p. 23.

⁴ Grey to Smith (30 November 1849): *P.P.*, 1850, xxxviii (Cmd. 1138), p. 148.

the impossibility of maintaining an effective police, and the danger to the native population, made the Cape in the highest degree unsuitable as a penal colony.¹ Petitions and memorials poured in, pledging the signatories to employ no convicts. These remonstrances found an echo in the speeches of Adderley, Hume, and Aglionby in the House of Commons (27 March 1849). Lord John Russell gave an assurance that, if the colonists persisted in their attitude, the experiment would be abandoned;² but he and Sir George Grey in their speeches, and Lord Grey in a dispatch, pointed out that so long as the law imposed the punishment of transportation it must be carried into effect, and hoped still that, as the Mother Country had helped the colony in one difficulty—the Kaffir war—the colony would help the Mother Country in another.³ Their policy was vigorously supported by *The Times*.

‘While . . . we recognize the wisdom and public spirit of those who deprecate the perversion of any colony into a mere convict cesspool, we must remind them that England has rights as well as her dependencies, and that, possessing vast tracts of unused and unpeopled territory some thousands of miles off, she will not submit to the shame and cost of maintaining an annual burden of three thousand convicted felons on her own soil.’⁴

A careful classification of the convicts, and a vigilant public opinion, would remove most of the moral dangers; and the economic benefits were plain to see. Convict servants would be better than ‘dirty, lazy, and thievish Hottentots’; and ‘they would do more to make and repair roads, to dig reservoirs, to construct harbours, to dress wool, or, in certain cases, to tend sheep, than all the labour that has dribbled into the colony for the last 33 years has been able to effect’.⁵ The only effect of these arguments on the Cape colonists was however to exasperate them further. They believed that the present proposal was merely the thin

¹ Smith to Grey (19 December 1848) and Enclosures: *P.P.*, 1849, xliii (H.C. 217), pp. 20 ff.

² *Hansard*, Third Series, vol. cviii, pp. 1373–99.

³ *Ibid.* and Grey to Smith (19 March 1849): *P.P.*, 1849, xliii (H.C. 217), pp. 41–2.

⁴ *The Times*, 29 March 1849.

⁵ *Ibid.*, 19 February 1849. The article bears signs of having been written by some one with first-hand knowledge of the colony.

end of the wedge. They resented the allusion to the Kaffir war, claiming that it might have been much more judiciously and economically conducted. 'They thought of Lord Grey's "exiles" as a band of preternatural desperadoes, coming with an express mission to rob, ravish, burn, and murder.'¹ The municipality of Graaff Reinet threatened the Government with another trek. The Western District colonists agreed to boycott any one who might take the convicts into his service or aid the Government in providing for them. Many office-holders, even the unofficial members of the Legislative Council, sent in their resignations, and a decently dressed middle-class mob so intimidated the new appointees to the Council that they too were forced to resign. John Fairbairn, in the office of his *Commercial Advertiser*, became the virtual dictator of the colony. Sir Harry Smith deemed discretion the better part of valour, and in July 1849 issued a proclamation promising not to land the men at all pending a reference home.² But the ship—the *Neptune*—was an unconscionable time coming; and the delay tempted the agitators to the further demand that she be sent back to England. This Sir Harry Smith resisted; and when, at long last, she arrived on 19 September the boycott was actually put into operation against the departments of Government supplying her. With the help of a small moderate party, Government was able to stand the siege, but it must have been with some anxiety that Sir Harry Smith awaited the decision of the Imperial Government.

Lord Grey, however much he might reprobate the conduct of the colonists, realized at last that there was no alternative but to give in and send the *Neptune* on to Van Diemen's Land. 'Had I been aware', he declared, 'how strong was the feeling which existed at the Cape on this subject, I should not have advised the measure.' He notified Sir Harry Smith that the Order in Council permitting transportation to the Cape would be revoked immediately.³ In

¹ Mitchel, *Fail Journal*, p. 182. Mitchel revelled in the discomfiture of his enemy the British Government: but he had himself been moved to indignation at the thought of mixing the 'starved Irish' with ordinary criminals: *ibid.*, p. 123.

² Smith to Grey (24 July 1849) and Enclosures: *P.P.*, 1850, xxxviii (Cmd. 1138), pp. 44 ff.

³ Grey to Smith (30 November 1849): *ibid.*, pp. 147-50.

February 1850 the *Neptune* sailed away; but it left a legacy of bad blood behind it. *The Times* was disgusted with the attitude of the Cape:

'The *forçats* of the Continent are everywhere the chief agents of revolution, and a few thousand such men would be a formidable addition to the dangerous classes of this metropolis. Yet the colonies are not altogether unconcerned in our domestic peace and prosperity. Why are they not to share the common burden? . . . We have recently spent £2,000,000 for the Cape of Good Hope, for no other object than that this country was aware of except to give the colonists a little more elbow-room, and rid them of troublesome neighbours. . . . There is a peculiar hardship in the case, for . . . our burdens produce our distress, and our distress our crime.'¹

It did not hesitate to draw the moral that the colonists should be left in future to pay for their own Kaffir wars.²

To find a parallel to this dramatic incident, men had to go back to the 'Boston Tea-party.' The treatment of the misguided Irish peasants on the *Neptune*, taken by itself, is difficult to justify: virtue so excessive and so aggressive surely becomes a vice. But on the general issue the colonists were clearly right in refusing to add another to their many perplexing social problems. The fact that Great Britain had financed their Kaffir wars was not really to the point. And their successful stand was a great encouragement to all opponents of the convict system.

In one colony only did Lord Grey's efforts to relieve Van Diemen's Land of part of its burden meet with any better fortune. Western Australia was with difficulty managing to keep its head above water. Hampered by the profuse land grants of its early days, it could hope for nothing from ordinary land fund immigration: by August 1845 only £65 had been received under the Land Sales Act of 1842. The colonists asked for an advance of £10,000 from the Imperial Treasury for public works, but in vain.³ They suggested free grants of land—again in vain. They suggested that a certain number of immigrants be granted free passages at Imperial expense: the Imperial Government was immovable. In 1847 the colonial schooner was sent to Singapore for

¹ *The Times*, 15 September 1849.

² *Ibid.*, 27 November 1849.

³ Gladstone to Hutt (15 January 1846): CO 397/7.

Chinese labourers: Lord Grey, overruling the Land and Emigration Commissioners, refused to allow public funds to be used for such a purpose.¹ Nor would he agree that the Imperial Government was disregarding the interests of the colony. Parliament had contributed £250,000 by way of grants since its foundation. The Imperial Government might circulate information but could not depart from its policy of strict impartiality as between the various Australian Colonies. Besides, 'the practical development of the local resources of every colony, it is evident, must mainly depend on the settlers who are on the spot'.²

What could be hoped from a Secretary of State who so obstinately adhered to the principle of *laissez faire* and the doctrines of Wakefield? There was one remedy left in the colonial pharmacopoeia—an infusion of convict labour. Gradually Western Australia nerved itself to ask that it be tried. In 1845 the Legislative Council had said that no extremity could be sufficient to justify an admission of conditionally pardoned men from Van Diemen's Land; but in the following year the York Agricultural Society asked that exiles from Pentonville should be introduced, and Grey referred the suggestion to the Commissioners of Pentonville Prison.³ Their report, however, was unfavourable; and the matter went no further. Then in 1847 the party in favour of convicts sent home a memorial painting the condition of the colony in the blackest colours and asking that it be made a penal settlement on an extensive scale. In February 1848 the infection spread to the Legislative Council. A committee asked for a gang of convicts for the public works—'such convicts to be removed as their terms expire, and to be maintained, in the meantime, partly by the Mother Country and partly by a loan secured on the colonial revenue at low interest'.⁴ The colonists were doubtless thinking of Gladstone's offer to New South Wales; but Lord Grey, whilst not acceding to the proposal, took the opportunity of urging

¹ Minute (1 February 1848): CO 18/49: No. 139.

² Grey to FitzGerald (25 July 1849): *P.P.*, 1849, xxxviii (H.C. 593), pp. 267-70.

³ Clarke to Stanley (20 May 1846) and Minutes: CO 18/42. Governor Clarke did not think the memorial expressed the sentiments of the colonists at large.

⁴ Irwin to Grey (17 February 1848): Enclosure: *P.P.*, 1847-8, xlvii (Cmd. 986), p. 183.

the advantages of an introduction of ticket-of-leave men—just as he was urging them, at the same time, upon the Cape.¹ He found Western Australia ready to listen to the arguments which the Cape had so unceremoniously rejected.

Propriety required that the colonists should insist that the medicine had an unpleasant taste. It was not at all what they wanted, said a public meeting at Perth. It was as clear to them as it had been to Wentworth in New South Wales that the Imperial Government intended to make Western Australia a receptacle for convicts 'by pouring in upon us felons under the various names of "exiles", "probationers", and the like, thereby inflicting upon us all the evils of a convict colony without the necessary protection and expenditure'. Very well, if the medicine was to be forced upon them, it was better to take a good strong dose. Application should at once be made to the Imperial Government to erect the colony into a regular penal settlement, with the necessary Government establishment and expenditure—the whole cost being defrayed out of Imperial funds. They would like their convicts to be agricultural in habits, and neither too wicked nor too good—not 'lifers', in short, but men with a substantial sentence to serve. And free immigrants should be sent to the colony in equal numbers.²

As a matter of fact Western Australia was made a penal settlement, by Order in Council of 1 May 1849, before the account of the Perth meeting had been received; and on 1 June Grey wrote to the Governor that a hundred ticket-of-leave men would be sent. He was ready now, indeed, to go further. It would relieve both the difficulties of Ireland, with its overflowing prisons, and the necessities of Western Australia if a limited number of convicts without tickets were after all sent out to be employed on public works.³ On 22 October he announced that Captain Henderson was about to leave for the colony with from 100 to 150 carefully selected prisoners.

The inhabitants of Perth, pleased that Lord Grey had taken no notice of their grimaces, proceeded to thank him

¹ Grey to FitzGerald (3 August 1848): Enclosure: *P.P.*, 1847-8, xlvii (Cmd. 986), p. 192.

² FitzGerald to Grey (3 March 1849): *P.P.*, 1849, xliii (Cmd. 1121), pp. 247-8.

³ Minute (5 July 1849): CO 18/50: No. 5700.

warmly for acceding so promptly to colonial wishes, and the land- and stock-owners also expressed their gratitude.¹ The colonists were not quite sure, indeed, at first how much they ought to like their convicts. 'The general expectation', wrote Henderson, 'was to see the men all chained together guarded with loaded firelocks, clothed in yellow and cursing horribly.'² There was uncertainty as to whether few convicts were wanted, or many, and as to whether free emigrants could find employment if they were sent; and many of the country settlers were prejudiced at first. The prejudice, however, soon disappeared. The men conducted themselves well and earned fair wages on their tickets of leave; and the colony awoke at last to some semblance of life. For the present the Imperial Government took upon itself the whole expense, even to the cost of superintendence and tools for labour on colonial works, realizing that colonial support was essential and that the more quickly the colony developed the sooner it would be able to take upon itself the full charge of its civil establishment.³ What with the cheap labour, the Imperial expenditure, the market offered to the agriculturist and stockowner, the population increased from 5,200 to 7,000 in the single year 1851 and progress continued at a rate so far unheard of. When transportation ceased in 1868, in deference to the urgent representations of the other Australian colonies, nearly ten thousand convicts had been introduced, and though there had been cases of bad conduct and even of combined outbreaks, the moral evils do not appear to have been grave enough to counterbalance the undoubted material advantages.⁴ In Western Australia Lord Grey's policy was unquestionably successful; and of itself this ought to dispose of the calumny that his sole object was to rid Great Britain of its criminals, without regard to the interests of the colonies.

Nevertheless the general success of his policy of relieving Van Diemen's Land of part of the burden of transportation fell far short of his expectations. At the same time the new

¹ FitzGerald to Grey (17 July 1850): Enclosures: *P.P.*, 1851, xlv (Cmd. 1361), pp. 221 ff.

² Henderson to Jebb (5 December 1850) (Private): *Howick Papers*.

³ Minute (21 May 1851): CO 18/58: No. 4241.

⁴ Battye, *Western Australia*, pp. 209-14.

system, though infinitely better managed, was in other ways more and more approximating to the old. The worst abuses of the gangs were a thing of the past; but the 'exile' plan of 1847, announced as being almost equivalent to abolition, was being left farther and farther behind. What, asked Denison, lay at the foundation of the plan of April 1848? The belief that the ticket-of-leave man might be regarded as fit for virtual freedom. His position would be little if at all inferior to that of the free immigrant; he would indeed have the advantage of being without incumbrances in the shape of a wife and children. This was taking too great a risk.

'We must not expect a change in the character of the men; they are placed in very different circumstances to those under which their habits were formed; the temptations to which they are subjected are fewer and weaker, but when a sufficient temptation is presented to them, they will, in nine cases out of ten, yield to it as before.'

The convicts should be sent out as pass-holders only, and should not be allowed to change their masters until they in due course earned tickets of leave.¹ Experience did not alter Denison's opinion. He complained particularly of the Irish ticket-of-leave man 'whose industrial training has been limited to breaking a few stones'.² He urged that the period of compulsory labour, as well as the various stages of indulgence, should be undergone in the colony.³

Grey was impressed with the arguments of the Lieutenant-Governor. First he made exceptions to his general plan—sending out a certain number of unmanageable convicts to Norfolk Island without tickets of leave at all, and agreeing that the ill-managed Irish prisoners might well go to Van Diemen's Land for their penal discipline. Then he accepted Denison's view that greater restrictions should be placed upon the ticket-of-leave man. The effect would be to assimilate the new system to the old assignment system; but after all there was no situation in which the convict was at once so useful and so likely to reform as when he was an assigned servant to a good master. The men were dispersed,

¹ Denison to Grey (28 September 1848): *P.P.*, 1849, xliii (Cmd. 1121), pp. 62–6.

² Denison to Grey (1 October 1849): *P.P.*, 1850, xlv (Cmd. 1285), p. 51.

³ Denison to Grey (27 September 1849): *ibid.*, pp. 7–8.

removed from the temptations of the towns; they had little or no command of money, but their wants were well supplied; they were liable to cheap and summary punishment for misconduct, but could earn their freedom by industry and good behaviour. He thought it might be possible to enjoy the advantages of assignment and eliminate the objections to it—that it was often no punishment at all, that it offered no incentives to industry, and that it imposed a harassing responsibility upon the Governor. Convicts should be required, before being allowed to pass out of the immediate custody of Government, to enter into an engagement with some private employer. The passage repayment, which Denison condemned as keeping convicts too long in the island, Grey still thought a useful stimulus to industry; and employers should be required to deduct £5 a year for the purpose from the wages of their servants and pay it to the Government.¹

This was an advance in the direction Denison wanted, but it did not go far enough for him. He believed in discipline much more than in the hopes of reformation on which the system continued to be based; and he was, as always, anxious to see that the colony derived the maximum benefit from its convict labour. He stretched the authority conferred by Grey's dispatch beyond what Grey intended, and issued regulations providing for the assignment of convicts to employers for periods of from one and a half to five years; and he pressed for the abandonment of the passage repayment plan, on the ground that wages were not more than sufficient to supply the men with the ordinary necessities of life and that the 'deductions' therefore fell on the employer and aroused his hostility.² Grey did not sanction the assignment regulations, but he agreed to make compulsory a first engagement with some employer of not less than a year;³ and after his retirement the passage repayment plan was abandoned.⁴

Meanwhile the attempt to dilute the inflow of convicts

¹ Grey to Denison (25 July 1850): *P.P.*, 1850, xlv (Cmd. 1285), pp. 146–51. See also Minute of Grey (6 March 1850): CO 280/254: No. 1434.

² Denison to Grey (3 October 1851): *P.P.*, 1852, xli (Cmd. 1517), pp. 57–8.

³ Grey to Denison (4 August 1851): *P.P.*, 1851, xlv (Cmd. 1418), pp. 47–51.

⁴ Pakington to Denison (1 July 1852): *P.P.*, 1852–3, lxxxii (Cmd. 1601), pp. 98–9.

with free immigrants had also failed. If free labourers could hardly be expected to prefer the low wages of Van Diemen's Land to the higher rates of the mainland colonies, cheap labour might on the other hand, Grey hoped, be an attraction to small capitalists. He proposed, in return for the purchase of £50 worth of land, to grant a cabin passage worth double that amount, and to have the land prepared for the settler.¹ Denison protested that the scheme was unfair to those who had paid for their passages and bought their land in the ordinary way, and that a new arrival would find private land for sale, dearer no doubt, but fenced and cleared, closer to market, and better suited to an inexperienced man.² But in any case the small capitalists were not forthcoming. Lord Grey was reduced to spending the sums available for emigration on sending out wives and families of convicts and workhouse girls, and to suggesting that the pensioner guards on convict ships be induced to stay in the island.

It became more and more difficult to reconcile this state of things with the language used and the hopes held out to Van Diemen's Land in 1847. True, Lord Grey and his colleagues never regarded themselves as having made a binding undertaking: in their view they had simply expressed an intention to 'abolish transportation' and were free to change their intention if circumstances changed.³ The colonists regarded the dispatch of 5 February 1847, however, as pledging the Ministry; and Denison's own language at the time was such as to encourage them in this belief.

'The feelings of a large portion of the community', he had written, 'are so fully enlisted in the opposition which has been raised to the convict system here, that any attempt now to revive the system in any form would be looked upon by them as a breach of faith, and would cause, I have no doubt, feelings of hostility which would be very embarrassing to the Government.'⁴

It soon, indeed, became clear that the colonists expected more than the Government ever intended to give. A petition was

¹ Minute of Grey (19 April 1849): CO 280/251. Grey to Denison (8 November 1849): CO 408/32.

² Denison to Grey (23 April 1850): *P.P.*, 1851, xl (H.C. 347-II), pp. 134-7.

³ Grey to Denison (23 December 1848): CO 408/30; and many other documents.

⁴ Denison to Grey (20 August 1847): *P.P.*, 1847-8, lii (Cmd. 941), p. 131.

sent home in November 1847 complaining that the promise to suspend transportation for two years had not been observed—that 394 male and 318 female convicts had been sent from England, and others, many of them doubly or trebly convicted, from Sydney and Norfolk Island. The petitioners demanded twelve thousand free emigrants to be sent at the expense of the British Treasury; the abolition of the probation system; and the transference of the convicts and their families, who should be brought out to join them, ‘to North Australia, or elsewhere, as may be found to be the most for their benefit’.¹ It was easy for Denison to pour scorn on the proposal that the convicts from the gangs should be sent across Bass Strait with conditional pardons, better off in fact than the holders of tickets of leave, and the heaviest burdens shifted to the shoulders of other colonies;² but it was unlikely that the anti-transportationists would relax their efforts unless the new system turned out very much to the advantage of the colony.

At first there had been the promised compensation of free immigration and the hope that other colonies might take some of the convicts. The Legislative Council had then been ready to acquiesce in the system, though demanding increased financial contributions from the British Treasury;³ but already such moderate men as the Van Diemen’s Land Agent in England, Mr. J. A. Jackson, were alarmed at the drain of free labourers from the colony.

‘The colony is rapidly drawing towards that consummation of misfortune when the only people left will be the free employer, chained to the soil on which he has expended his all, and the convict pass-holder.’

The gangs might be better managed, but the convicts emerging from them were really not a whit better fitted for mixing in free society. In short, Jackson argued, whatever the inconveniences involved, justice required that not another convict should be sent to the island.⁴ Early in the same year,

¹ Denison to Grey (12 November 1847): Enclosure: *P.P.*, 1849, xliii (Cmd. 1022), pp. 66–8.

² Denison to Grey (4 December 1847): *ibid.*, pp. 71–8.

³ Denison to Grey (15 and 17 November 1848): Enclosures: *ibid.* (Cmd. 1121), pp. 103 ff., 126 ff.

⁴ Jackson to Hawes (12 March 1849): Bell and Morrell, *op. cit.*, pp. 306–8.

1849, an Anti-Transportation League, whose members were pledged to employ no convicts, was formed in Van Diemen's Land.

Lord Grey's reply to the anti-transportationists was an admission that transportation had brought evils in its train, combined with an assertion that these could be removed and that that was all the colonists had a right to expect. He reminded the Legislative Council, when they asked for increased financial assistance, that the colony was established as a penal settlement; that the free inhabitants went there with full knowledge of the fact, and of their own choice; and that they were therefore hardly entitled to represent its penal character as an intolerable grievance, or to claim contributions which had no parallel in any other settlement.¹ After all, a large proportion of the colonial revenue was derived from the consumption of those who were or had been convicts, and the Imperial expenditure on the convict service created a demand for the produce of the colony, enabled it to obtain valuable public works at small expense, and was in fact one of the chief sources of its wealth.² The inhabitants of Van Diemen's Land could claim that Great Britain should exercise her rights with the least possible injury or expense to them; but they could not claim that any interests of theirs should overrule the interests of the Empire.³ Denison of course left the question of right to his official superiors, but he for his own part urged that the cessation of transportation would bring economic disaster without any compensating moral advantage. The employers of Van Diemen's Land compared favourably with those on the mainland.

'The intense appetite for wealth operating upon a coarse and grovelling mind will produce a selfishness as intense and even more disgusting in its effects than that which actuates the slaveowner, and from all that I can learn the operation of this and other analogous causes has been as injurious to South Australia, as the convict system may be supposed to have been here.'

To the working classes, higher wages such as they obtained

¹ Grey to Denison (30 May 1849): *P.P.*, 1849, xliii (Cmd. 1121), p. 237.

² Grey to Denison (26 July 1850): *P.P.*, 1850, xlv (Cmd. 1285), pp. 157-8.

³ House of Lords, 14 March 1850: *Hansard*, Third Series, vol. cix, pp. 871 ff.

in the free colonies meant simply increased opportunities for drunkenness and debauchery: serious offences were just as prevalent there, and he did not believe them to be due mainly to ex-convicts.¹ On the other hand Sir Charles FitzRoy, Mr. Deas Thomson, and other visitors from New South Wales all agreed that of the two colonies Van Diemen's Land rested on the sounder economic foundation. The houses were more solidly built; the farm buildings were in better order; the fences were kept in repair; in short, there was direct evidence, as there was not in New South Wales, of a large outlay of capital upon the land. The fact was that in New South Wales the landowner was dependent on the labourer: in Van Diemen's Land wages were sufficient to secure to a man a fair share of the necessities, the comforts, and even the luxuries of life, but he was never in a position to dictate to his master.² The ultimate justification of convictism, in short, was that it was a way of escape from democracy. Moreover, in Denison's opinion, many of the anti-transportationists were insincere. There was every reason, in fact, for persevering with the system.

And at first the Imperial Government were not greatly disturbed by the agitation. In reply to the attacks of Adderley and Molesworth in Parliament in 1850, they urged that the evils principally complained of arose from the excessive number of convicts sent to Van Diemen's Land in Stanley's time. That grievance had been removed: an Act of 1849 abolishing the punishment in cases of first convictions for larceny would lessen the number of transportable offenders: it was hoped that free settlers as well as convicts would go to the island: and if New South Wales was not to be open after all, there was at least Western Australia. Lord Grey was confident that the colonists would in time appreciate the real advantages that the present system gave them. As for the value of transportation to the convict and to Great Britain, it hardly admitted of doubt:

'There are at this moment in the Australian Colonies,' said Lord Grey, 'not less than 68,000 persons upon whom the sentence of transportation has been passed, and who are now living in a state of perfect

¹ He did not, however, produce much evidence for this assertion.

² Denison to Grey (2 May 1850) (Confidential): CO 280/259.

or qualified freedom, and in general earning their bread by honest industry, but who would have had no resource but to fall back into the commission of crime, if removal had not been made a portion of the punishment of transportation. . . . This would have been not merely a great evil, but I think a great danger when I remember what we have heard of the army of *forçats* now in existence in France, and of the part which they have taken in all the late commotions in that country.¹

Stanley was critical of the Ministerial plan, but he did not dispute these facts.² There was no thought of a change of policy.

None the less the anti-transportationists were steadily gaining in confidence and strength. Their reply to the argument of the lessening number of offenders sent was that 'the criminals who are now transported are *on the average* far worse and more desperate'.³ Their reply to the argument of interest was that Denison's ideal of a highly developed community based on cheap convict labour was, in the face of the superior attractions of the mainland colonies, impracticable.⁴ Their reply to the argument of Imperial rights was that from the moment free Englishmen were encouraged to settle in Van Diemen's Land—and they had gone there, said Jackson, not because of the commissariat expenditure but 'from the same vague idea of ultimately benefiting their families which possesses the majority of settlers in Canada or any new country'—it could no longer be treated merely as a convict settlement.⁵ And if the cessation of transportation would be a disadvantage to Great Britain, it would be a still greater disadvantage to her to alienate the Australian colonies. The Australian community was coming to realize that it could not continue half convict and half free. The first Anti-Transportation League in Van Diemen's Land ere long disappeared from sight, but the events at the Cape had a

¹ *Hansard*, Third Series, vol. cix, pp. 867–78.

² He did, however, express the apprehension that it might not be possible to continue transportation to Van Diemen's Land.

³ W. Jackson to Grey (13 April 1850): CO 280/272. West thought the modern convict less violent than his predecessors, but more generally of a criminal type: *History of Tasmania*, vol. ii, p. 332.

⁴ J. A. Jackson to Hawes (11 July 1850): CO 280/272.

⁵ *Ibid.*

heartening effect, and in the course of 1850 Anti-Transportation Associations came into being in every colony but Western Australia. Lord Grey's temporizing policy in regard to the New South Wales Order in Council merely served to demonstrate the strength of the opposition. Petitions with 36,589 signatures were presented to the Legislative Council against transportation: only 525 put their names to petitions in favour. The 'final opinion' of the Council, for which Lord Grey had asked, was a categorical declaration that 'no more convicts ought, under any conditions, to be sent to any part of this colony'.¹ Petitions to the Queen for the abolition of transportation to Van Diemen's Land were sent home from Sydney, Melbourne, and Geelong; and a conference of delegates at Melbourne in January 1851 combined the numerous local organizations into one Australasian League for the Abolition of Transportation. The League organized a monster petition, appointed delegates in Great Britain, and issued a vigorously worded appeal to the people of the United Kingdom.

'If it be manifest, as we believe it is, that transportation cannot be carried on in the only way which those principles avowed by Earl Grey himself and the whole British Government and nation in the year 1847 . . . recognized as just, namely in such a manner as to combine the *bona fide* consent of the communities actually influenced by it, with the circumstance of its forming an insignificant and nearly imperceptible element in their moral structure, we demand in the name of British honour and Christian equity, that it shall wholly cease, and that Great Britain find some other means of remedying the crime which her social system engenders.'²

It was just because Great Britain was so anxious to get rid of these men that the colonies rejected them.³ Lord Grey was vehemently denounced for 'breaking faith' and his dismissal was petitioned for. Dr. Lang and Henry Parkes threatened dire consequences, if transportation were continued, to British dominion in Australia; and Sir Charles

¹ FitzRoy to Grey (8 October 1850): Enclosure: *P.P.*, 1851, xlv (Cmd. 1361), p. 187.

² FitzRoy to Grey (19 June 1851): Enclosure: *P.P.*, 1852, xli (Cmd. 1517), pp. 113-15.

³ Letter to London Delegates (4 May 1851): *ibid.*, p. 99.

FitzRoy himself began to be alarmed at the possible effects of the agitation.¹

Denison indeed continued to discount it. The movement on the mainland would die away when labour became scarcer and wages higher.

'They have had a large immigration of free labour from England and are now therefore inclined to repudiate an article which two years ago they were too happy to send over and bid for at a high price.'

In Van Diemen's Land this League, like its predecessor, was a farce.² Lady Denison was amused at Lord Grey's solicitude in allowing a man-of-war to call at Hobart: 'Could he only take a peep at us, he would see everything going peaceably; a noisy party indeed *talking*, and *eating* public dinners, but *doing* nothing in the way of opposition.'³ The Lieutenant-Governor thought 1,500 or 2,000 ticket-of-leave men a year could readily be absorbed;⁴ for, despite the 'solemn protests' of the League, they were more eagerly sought after than ever, and subscribers to the League themselves employed them.⁵ Yet he could not but admit that the working-classes, to a man, were opposed to transportation; that the Bishop and clergy and other very respectable people were also averse to it; and that many employers, some on moral, some on economic grounds, were anxious that it should be discontinued. Indeed even the merchants and shopkeepers and property-owners whom he brought forward on the other side declared themselves to be in principle opposed to it: it was simply that they saw clearly 'the ruin which must ensue, should the rate of wages in this colony be assimilated to that in New South Wales'.⁶ It might be possible to continue transportation to Van Diemen's Land, but only because a small class, for the sake of its economic advantages, were prepared to defy the wishes of the great majority of the population.

The Imperial Government by this time realized the position of transportation to be precarious. Grey warned

¹ FitzRoy to Grey (31 July 1851) (Confidential): CO 201/441.

² Denison to Grey (4 November 1850) (Private): CO 280/265.

³ Diary (10 July 1851): Denison, *Varieties of Vice-Regal Life*, vol. i, pp. 161-2.

⁴ Denison to Grey (14 February 1851): *P.P.*, 1851, xlv (Cmd. 1418), p. 7.

⁵ Denison to Grey (14 July 1851) (Confidential): Bell and Morrell, op. cit., pp. 315-17.

⁶ Ibid.

Denison that it would be quite impossible for the Government to continue it if faced by the opposition of all the most respectable colonists in all the Australian colonies, in view of the effect such opposition would have upon public opinion in England.¹ Russell confided to Grey that he did not think it could be kept up long now that free institutions had been given to Van Diemen's Land.² There were signs that English opinion was veering round. With the advent of Robert Lowe *The Times* ceased to dwell on the rights of the Mother Country and the difficulties of her statesmen, and emphasized the rights of the free settlers of Van Diemen's Land: to drive them out, as the Government were in effect doing, was an abuse of Imperial power.³ Still, despite the efforts of Molesworth in the House of Commons and Lyttelton and Archbishop Whately in the House of Lords, Grey had some justification for claiming at the end of the session of 1851 that the predominant opinion in Parliament remained in favour of transportation.⁴ Molesworth found far fewer men ready to follow him in maintaining the rights of the colonists of Van Diemen's Land in this matter than in maintaining the rights of the colonists of the Cape to control their own native policy and fight their own Kaffir wars.⁵ Whately's scepticism as to the reformatory effects of transportation was met by statistics from Grey.

'Out of 1618 convicts sent out to New South Wales between June 1849 and April 1850, with tickets of leave under the existing plan, there were only forty from whom it had been necessary for misconduct to withdraw the tickets of leave, and of those only ten were cases of a serious description.'⁶

There was some way to travel yet before the system would be willingly abandoned.

For the moment there seemed even to be a good prospect of a successful counter-attack. The run-holders of northern New South Wales were dissatisfied when the influx of ticket-

¹ Grey to Denison (18 January 1851) (Private): *Howick Papers*.

² Russell to Grey (23 January 1851) (Private): *ibid.* Free institutions had been given, of course, by the Australian Colonies Government Act of 1850.

³ *The Times*, 13 May 1851.

⁴ Grey to Denison (18 October 1851) (Private): *Howick Papers*.

⁵ See above, pp. 285 ff.

⁶ House of Lords, 4 March 1851: *Hansard*, Third Series, vol. cxiv, p. 1090.

of-leave men stopped in 1850, and asked for a resumption at the rate of from one thousand to fifteen hundred a year.¹ A power to separate these districts from New South Wales was reserved by the Australian Colonies Government Act, and Lord Grey informed the inhabitants that, if the Legislative Council should show itself indisposed to meet their wishes, they might appeal to the Queen to exercise this power.² The colonists acted upon the hint. In January 1851 Sir Charles FitzRoy forwarded petitions, with 556 signatures, urging that the interests and wishes of the northern districts had been neglected by the Legislative Council, so that they had been driven to import coolies and Chinese, and requesting separation in order that ticket-of-leave holders, accompanied by double their number of free immigrants, might be introduced.³ Soon afterwards these were followed by a petition for separation without transportation: this represented chiefly the views of the artisans of Brisbane and the small farmers of the neighbourhood.⁴ Sir Charles FitzRoy and his Executive Council were unsympathetic. Separation would in their opinion be unjust to the colony as a whole, and the districts in question did not need it and would not be able to afford it: transportation they presumed Lord Grey would not allow in any case, in view of his pledge to the parent colony which would be so closely affected by it.⁵ Lord Grey on the contrary was predisposed in favour of 'separation for transportation', and so far from deeming it inconsistent with his pledge, was already beginning to calculate that, with West Australia and Moreton Bay both open, he might be able if necessary to do without Van Diemen's Land.⁶ But, when the Law Officers reported on 2 December that Her Majesty had sufficient ground for acting upon her powers, Lord Grey had changed his mind. The measure might be necessary 'by and by'; but at present

¹ FitzRoy to Grey (30 April 1850): Enclosures: *P.P.*, 1851, xlv (Cmd. 1361), pp. 147-50.

² Grey to FitzRoy (30 October 1850): *ibid.*, p. 21.

³ FitzRoy to Grey (29 January 1851): Enclosures: *ibid.* (Cmd. 1418), pp. 56 ff.

⁴ FitzRoy to Grey (4 April 1851): Enclosure: *P.P.*, 1852, xli (Cmd. 1517), pp. 92-3.

⁵ FitzRoy to Grey (4 April 1851): *ibid.*, pp. 88-92.

⁶ Minute (28 June 1851): CO 201/439: No. 5163. He also hoped that 500 annually might be employed on the Halifax-Quebec Railway: see below, p. 440.

the population of Moreton Bay was scanty, its revenue small, its boundary difficult to define; to send the convicts on the terms desired would be expensive; and above all it was hardly opportune to make such changes when the whole colony had been thrown into turmoil by the gold discoveries.¹

So far as Van Diemen's Land was concerned, if the argument that transportation was beneficial to the colony had any solid foundation, it was strengthened by the discoveries on the mainland, since the demand for labour that could be relied on was certain to increase. Sir William Denison indeed urged that more convicts should be sent. It was essential that the supply of food to the mainland colonies should be maintained: it was certain that the men would be absorbed: the greater the number sent, the lower wages were: and the lower wages were, the better for the discipline of the convicts and the contentment of their employers.² The argument was logical enough, but somehow seemed a little lacking in common sense. The Anti-Transportation League were quick to realize that a powerful weapon had been added to their armoury. 'Considering the facilities with which conditional pardons are obtained,' they urged, 'there are few English criminals who would not regard a free passage to the gold fields of New South Wales, via Hobart Town, as a great boon.'³ The Legislative Council of New South Wales moderately but forcibly urged the same view. The new colony of Victoria, in particular, was vexed with highway robberies and similar crimes, nearly all committed by ex-convicts from over the water, and passed a law providing that all persons arriving from Van Diemen's Land must prove their absolute freedom to the satisfaction of the authorities, or they would be assumed to be convicts and punished accordingly.⁴ Lord Grey left office in February 1852 still unrepentant. 'No person', he wrote, 'would be

¹ Minutes of Mr. Peel and Lord Grey (5 December 1851): CO 201/445: No. 10070 (Law Officers).

² Denison to Grey (21 August 1851): *P.P.*, 1852, xli (Cmd. 1517), pp. 17-19; (30 August 1852): *P.P.*, 1852-3, lxxxii (Cmd. 1677), pp. 7-10.

³ FitzRoy to Grey (19 June 1851): *P.P.*, 1852, xli (Cmd. 1517), p. 115.

⁴ Latrobe to Grey (4 December 1851): Enclosure: Bell and Morrell, op. cit., pp. 317-19. Denison to Grey (2 October 1852): CO 280/294. Turner, *History of the Colony of Victoria*, vol. i, pp. 334-5.

encouraged to commit offences by the expectation that if transported he might after four or five years of separate imprisonment and penal labour be enabled to go to the diggings.¹ The view of Elliot, the chief permanent official concerned in this matter, that the vague association of all Australia with the goldfields would much diminish the terror of transportation, seemed however more reasonable: in any case it seemed a little unfair to send convicts to the vicinity of goldfields to which many an honest labourer would have been only too glad to go: and it was no longer possible to use the old argument that in Australia the exile would have every inducement to prefer honesty to crime.

The resignation of Lord Grey was deemed by the Anti-Transportation League so much a matter of rejoicing as to demand an Address to the Queen: Sir John Pakington, despite the past associations of his party with the hated system, seemed a much less formidable obstacle. To the fulminations of the League were added Addresses from the Legislative Councils of New South Wales, Victoria, and Van Diemen's Land against the continuance of transportation 'in any form whatever to any part of Her Majesty's Australasian Dominions': to the Addresses a memorial from a committee of Australian colonists in London boldly declaring that 'if transportation to any of the Australian Colonies be persevered in, the day is not far distant when their angry and forcible separation from the Mother Country will inevitably take place'.² The Surveyor-General of Prisons, Colonel Jebb, was asked for his opinion: it was surprisingly favourable to reform. The change of circumstances in the colonies, and the increased familiarity of the people with emigration, had in his opinion deprived transportation of most of its terrors for the criminal; and the terrors of the opposite system to the Mother Country had been exaggerated. It was said to be expensive: but the application of convict labour to works of national importance like the new harbour at Portland was in the long run an economy. It was said to be dangerous: but not more than one-tenth of those imprisoned were sentenced to transporta-

¹ Minute (23 February 1852): CO 280/281: No. 441.

² October 1852: CO 280/299.

tion, and far greater danger was to be apprehended from the other nine-tenths who received no reformatory training.¹ This report probably clinched the matter: for it was no longer so easy to contend that a paramount Imperial interest required that the wishes of the colonies should be disregarded. In the Queen's Speech of 11 November 1852 Parliament was recommended to devise means whereby transportation to Van Diemen's Land might 'at no distant date be altogether discontinued': in a dispatch of 14 December 1852 Sir John Pakington conveyed the decision to Sir William Denison. The change would entail the erection of new prisons and would in other ways take time: but in principle the Government were agreed that they ought no longer to convey offenders to the neighbourhood of the Australian goldfields, and that they ought 'to comply with a wish so generally and so forcibly expressed by the colonists of Australia'.² When the Derby Ministry fell, the Ministry of Aberdeen at once adopted its decision. On 31 December 1852 the last Van Diemen's Land convict-ship set sail: a year later the Order in Council permitting transportation thither was revoked, and Van Diemen's Land was a free colony at last.

It seems to us to-day impossible to justify a system whereby Great Britain relieved herself of her criminals at the expense of her colonies beyond the seas. If the motives of the statesmen who maintained the transportation system are to be appreciated, it must first of all be realized that the transportation of criminals was regarded simply as a matter of course. The historically minded could recall that the closing of the American colonies had been followed, in a few years, by the opening of New South Wales. Not every one perhaps would have gone so far as to say with Lord Stanley that the accommodation of convicts in Australia was 'so momentous an object of national policy that we can acknowledge no conflicting motive of sufficient importance to supersede it';³ but after all the Transportation Committee of 1837-8 itself had recommended that criminals should be encouraged to leave the country at the expiration of their

¹ Confidential Report of Lt.-Col. Jebb (1 November 1852): *Howick Papers*.

² Pakington to Denison (14 December 1852): Bell and Morrell, op. cit., pp. 319-20.

³ Stanley to Gipps (27 July 1844): *P.P.* 1846, xxix (H.C. 36), p. 28.

sentences. It must be remembered, too, that it was not until Lord Grey's term of office that the colonies seriously opposed the system. The discontinuance of transportation to New South Wales in 1840 was by no means welcome to the predominant party in the colony.

If these allowances are made, the original policy of Lord Grey and the Whigs appears in the light of a bold reform. On many points they accepted the recommendations of the Transportation Committee. The prisoner was indeed to be sent overseas as a compulsory exile and not as a voluntary emigrant, but only after hard labour in a penitentiary, as recommended by the Committee: and after all, employment in England was so hard to come by that he would otherwise, they felt, almost certainly relapse into criminal habits or fall into the hands of revolutionary agitators. To send him to the colonies was less expensive and less dangerous and gave him his best chance of reform. To the colonies, lacking labour as they did, the system was clearly of material advantage, and its moral disadvantages were very much exaggerated.

'In point of fact, it is notorious that among those who emigrate from this country, as among those who in the United States act as the pioneers of civilization in the Far West, there is a much greater variety of characters than among an equal number of persons in our Home population. It is impossible that it should be otherwise, since the energy and enterprise which best fit a man for the hardships of a settler's life, are by no means most commonly found in those who are also distinguished by steadiness of character and conduct.'¹

The complaints of Van Diemen's Land in 1846 were well-founded, but they were due to an abuse of the system, not to the system itself. Van Diemen's Land could be relieved by improved management and lessened numbers, by sending no convicts who were not ready for private service and by distributing the men among the different colonies that might be prepared to take them. Free immigration would make the convict element one of ever-lessening importance in the colonial communities.

From this policy, however, the pressure of circumstances forced Lord Grey and his colleagues further and further

¹ Earl Grey, *Colonial Policy of Lord John Russell's Administration*, vol. i, pp. 79-80.

away. The system of management did improve; but the unexpected increase of crime in England, and still more in Ireland, counteracted their efforts to diminish the numbers of men transported and caused a departure from the principle that none but men trained to labour and fit for private service should be sent. Each batch of men requiring punishment involved a longer continuance of at least the relics of the old system. The decision, on the advice of the judges and of the colonial authorities, to send the men with tickets of leave and not with conditional pardons meant that the colonies receiving them must be 'penal colonies', branded as such by Order in Council: and no colony except Western Australia was willing to take them on such terms. It was this refusal, above all, that doomed the system: for it stultified Lord Grey's original policy and compelled a return to a modified form of the policy which had excited the indignation of Van Diemen's Land. The Tasmanians were determined to endure no longer the opprobrium of being the refuse-heap of the whole Empire, and no assurance that the refuse had been scientifically treated could shake their determination: the years 1842-6 had made too deep an impression on them, and the year 1847 had been too encouraging to their hopes. In order to keep the colony open at all, Grey was more and more driven back upon the *right* of the Mother Country to send her criminals to Van Diemen's Land, for the majority of the colonists would no longer listen to persuasion. It was not a right that he wished to use oppressively, but he was just as convinced that it existed in Van Diemen's Land as he was ready to admit that it did not exist, or had been abandoned, elsewhere; and he was none the less ready to assert it as he saw in the exaggerations and the violence of the anti-transportation movement the symptoms of that dread disease—democracy.

Such a right, once asserted in set terms, the colonists were certain to deny. For it conflicted with their idea that they had a right to be masters of their own destiny—free to admit and to exclude whom they chose. So long of course as transportation seemed to be in their own interests, they were not concerned to question the right. But in the forties the situation changed. The working class in Australia

became stronger and more vocal than ever before: the colonists as a whole became more conscious of their destiny as free self-governing communities and more sensitive as to all assertions of Imperial power: the different colonies came for the first time to realize the interests they had in common. It is one of the ironies of history that Lord Grey's transportation policy united the working classes and thus strengthened democratic tendencies in Australia and justified his fears; and at the same time drew the colonies together, moved them to speak with a single voice, and almost justified his hopes.

Lord Grey had been fighting a losing battle. That Parliament had more than once unequivocally supported transportation, that the representations of colonists at home had been at least equivocal, that the Legislative Council of New South Wales had been annoyingly inconsistent—all this was no longer to the point. The colonies were determined: in the last resort Great Britain had to give in or lose them. The discoveries of 1851 gave her what was indeed a golden opportunity of admitting that transportation had outlived its usefulness. Unfortunately for Lord Grey's reputation he left it to his successor to yield with a good grace.

XVII

LORD GREY AND THE COLONIZATION OF NORTH AMERICA

IN the thirties and forties the settlement colonies of Great Britain might be divided into two classes. On the one hand, in North America and South Africa, land settlement and colonization proceeded with little pretence at regulation; on the other, in Australia and New Zealand, an attempt at least was being made to proceed systematically. However much Gibbon Wakefield might at times disclaim responsibility, the whole doctrine of systematic colonization was essentially his; and the reason for the distinction which has just been made lay in the fact that his ideas were pretty clearly inapplicable to South African conditions and, in the opinion of most British North American authorities, were inapplicable to British North American conditions also.

None held this view more strongly than Lord Sydenham. 'It is true,' he wrote, 'there is a great outcry for labourers, and more labourers; but when it comes to the point of hiring them, unless it be during the harvest, every farmer in Upper Canada will tell you that he cannot pay them.' What then became of the Wakefield model society of graduate landowners and undergraduate labourers destined to rise to the rank of landowners in their turn? Settlement could best be extended by allowing experienced woodmen to push further into the forest: free grants to such men would not be amiss. But immigrants of the yeoman class should buy cleared farms, and labouring immigrants seek employment on public works till they became accustomed to the country and knew something of the hardships of bush life. There was something to be said for a land tax which would break up large unimproved estates, but to expect to raise a large immigration fund from sales of land would be ridiculous; and in any case thousands of immigrants were coming to Canada unaided.¹ Sydenham's views won the day: in accordance with the policy initiated by him, and despite the remonstrances of Stanley, prices varying

¹ Sydenham to a friend (23 November 1840, &c.): Bell and Morrell, *op. cit.*, pp. 219-21.

from 4s. to 8s. in different localities were fixed by proclamation of 15 December 1842; and the free grant system was applied, and continued to be applied, to the less fertile and accessible lands. Canada had frankly avowed herself a heretic where the doctrines of Wakefield were concerned. Local taxes on wild lands there were: they greatly annoyed the British American Land Company: but they had little practical effect.¹ The same arguments held good in New Brunswick and Nova Scotia, and Stanley himself realized that the Imperial Government could not hope to do more than offer advice.²

The Wakefield doctrine of immigration and the Wakefield land policy stood or fell together. The leaky, ill-built ships of the North American timber trade continued to carry emigrants to the North American Colonies in the old haphazard way. The Imperial Government confined itself to measures like those recommended by Sydenham—assistance in the prevention of existing abuses, in the provision of relief and medical attendance for the destitute and sick, and the conveyance of the able-bodied to the places where their labour was required.³ A capitation tax, payable by all immigrants, was established in Canada, and Parliament voted £5,000—an amount estimated to be sufficient to relieve able-bodied immigrants from the payment—for the relief of the destitute among the immigrants.⁴ However much emigration might relieve the Mother Country, increase the resources of the colonies, and keep up an attachment to British connexion—however strong might be the feeling in the Mother Country that Canada was not doing all she might to encourage immigration—it was gradually being recognized that she must determine these matters for herself. The French Canadians, not unnaturally, had no desire to be swamped by British immigrants, and quite apart from this, the Canadian angle of view was different. T. F. Elliot, the Chairman of the Colonial Land and Emigration Commis-

¹ Skelton, *Life and Times of Sir A. T. Galt*, pp. 44-7.

² Minute (18 January 1843): Bell and Morrell, op. cit., p. 222.

³ Sydenham to Russell (26 January 1841): *P.P.*, 1841, xv (Cmd. 298), pp. 72-3.

⁴ Stanley to Bagot (3 February 1842): *P.P.*, 1842, xxxi (H.C. 301), pp. 267-8. The tax had first been imposed in 1832: Cowan, *British Emigration to British North America, 1783-1837*, pp. 213-14.

sioners, had been in Canada, and realized that colonization was not such a simple matter:

'There are authors and philanthropists who inveigh against it as a sin that thousands of men should be starving in England while millions of acres are uncultivated in the colonies. Yet it seems obvious enough that to place a destitute man on any number whatever of acres, usually covered with heavy timber, in an uninhabited part of a country where for a large part of the year not to be well housed is death, and to call this providing for him, would be the wildest mockery.'¹

Yet systematic colonizers of the Wakefield school, ready as they now were to admit that nothing could be done without colonial co-operation, were reluctant to acquiesce in the conclusion that their ideas had no future in North America. On 6 April 1843, in a speech which produced a great impression but had little practical effect, Buller asked whether the Australian system might not be extended to South Africa and, with the co-operation of the Colonial Legislatures, to North America; and on 15 August of the same year he urged that the Colonial Government should take into its own hands the whole of the wild lands of Canada, compensating the proprietors by debentures on which a dividend should be paid as the land was sold, until the whole stock was paid off. Immigration he proposed to leave for the present independent of Government, but the fund derived from the sale of this land should be expended on opening up the country by public works.² It was generally agreed that the immense unimproved tracts of private land were one of the main obstacles to Canadian development; but Buller's plan was too ambitious and too much out of harmony with the economic ideas of the time to find much favour either in Downing Street or in Canada.³ Still Buller did not give up hope; and with the advent of the Whigs to power, not only was he himself in a position to influence events, but the Secretary of State was likewise a devotee of the principles of systematic colonization.

At this very time Ireland, in the grip of famine, was crying

¹ Minute (9 September 1842): CO 188/80: No. 1417.

² *Hansard*, Third Series, vol. lxxi, pp. 762-88.

³ Stanley to Metcalfe (2 October 1843) (Confidential): CO 43/145; Metcalfe to Stanley (4 November 1843) (Confidential): CO 42/509.

out for some grand measure of relief. Nearly every Committee or Commission that had reported in recent years on Irish distress had included emigration among its remedies, and the most favoured destination was North America. The Government were fully aware that it was not all plain sailing. The Irish, said Russell, were turbulent, ignorant, lazy: however piteous the cries of Irish landlords, it would be an unpopular, costly, and mischievous measure to flood the colonies with Irish emigrants. 'The colonies cannot be prepared at once to receive large masses of helpless beings, and there is no use in sending them from starving at Skibbereen to starving at Montreal.'¹ Yet surely it was possible to do something. Grey and Buller suggested group settlements in localities where employment at wages should be at once available. Private landowners, in consideration of an advance from the Government of a part of the money required, might take upon themselves the task of preparing such villages, looking to the emigrants for ultimate repayment of their advances.² Elgin went out to Canada with instructions to commend this plan to his advisers.

The reply of the Canadian Ministers was not long in coming. Draper had little difficulty in showing that the plan, admirable though it might appear on paper, was as much out of relation with the facts as the earlier plans of Wakefield and Buller had been.

'It is only in townships which are mainly if not entirely, unsettled that a scheme of this sort can realize the prospect of profitable return held out to the proprietor who is to furnish land for a village, clear it, build houses, and fence garden-plots in readiness for tenants. Such townships are in fact a surveyed forest, are on the outskirts of the settlements, with few roads leading to them and those indifferent—probably none through them—distant from markets and from mills—in short precisely where employment for labour is most difficult to be obtained. The proprietors of the surrounding wild lands (non-residents) have no employment to give, and such farmers as have the means to pay them, and who would gladly hire them at certain seasons of the year, will be so distant as to render it impossible that the

¹ Russell to Grey (15 October 1846): *Howick Papers*. Russell to Bessborough (29 December 1846): Gooch, *Later Correspondence of Lord John Russell*, vol. i, p. 168.

² Grey to Elgin (31 December 1846): *P.P.*, 1847, xxxix (Cmd. 777), pp. 3-6.

labourer should quit his cottage in the morning and return to it after his work at night. And in the winter season . . . there would be no employment of any kind for these labourers except the clearance of the land on which they were ultimately to settle. . . . In my humble opinion . . . the object of every plan for encouraging emigration should be to enable the parties to provide for themselves by the cultivation of land on their own account and not as labourers for others.¹

The Canadian Land Companies had been no more encouraging, and by the time Draper's criticism reached England the plan had already been abandoned. It was not, as we shall see, that Grey had given up hope of doing anything to assist the colonization of North America; but from this time on his mind began to work along other lines.

Unofficial enthusiasts were not so easily discouraged, and their imagination was captured by a scheme more grandiose by far than the scheme of Grey and Buller. Its sponsor was John Robert Godley, the future founder of Canterbury, though Wakefield also appears to have had a hand in it;² and it was adopted in a memorial addressed by a group of Irish landowners to Lord John Russell. Emigration, the memorialists held, must be limited by nothing but the indisposition to emigrate. True, the demand for labour in the colonies and the inability of the Irish poor to pay for their passage must be taken into account; but that was exactly what the scheme proposed to do. Let public works in Canada be encouraged by loans to District Councils or guarantees of interest to British capitalists; let one-third of the cost of passage be defrayed by Government, the rest perhaps by a Company formed to carry out the scheme. The emigration moreover was to be no mere shovelling out of paupers. There was one institution only to which the Irish really appeared attached in their native land—the Roman Catholic Church. Let their priests be transplanted with them, to keep them together: for they must be kept together. 'We believe that, in order to plant any number of them happily in a new country, and in order to render that country attractive to them, their national sympathies and

¹ Memo. of Hon. W. H. Draper (17 February 1847): *P.P.*, 1847, xxxix (Cmd. 824),

p. 5.

² *The Founders of Canterbury*, vol. i: Editor's Preface, p. vii. The editor was Wakefield's son.

associations, as well as their religion, must be carefully preserved and deliberately used.' Finally the memorialists proposed that a loan of £9,000,000 should be raised, and secured on an Irish property and income tax. With this assistance they hoped that a million and a half emigrants might be sent out under the scheme in the course of three or four years.¹ The idea, in short, was nothing less than to call a new Ireland into existence to redress the balance of the old.

Lord Grey looked on the plan unfavourably. Godley was vague as to practical details; the financial risk was great. Was such a drain upon its population and its capital really for the benefit of Ireland? Grey was very dubious. In Canada, Godley's plan was condemned by the Press of all parties.² Canada was so far from wishing to create a new Ireland within its borders as to be apprehensive lest Irish immigration should be excessive even if simply left alone. The sponsors of the plan were reluctant to abandon hope. In the House of Commons Lord Lincoln supported it and asked for a Royal Commission, but won no encouragement from the Government. Lord Grey accepted Lord Monteagle's motion for a Committee of the House of Lords, but mainly because he felt confident that the result would be to disabuse men's minds of extravagant hopes: colonists could not be treated like pawns on a chessboard, nor emigrants hurried across the Atlantic regardless of the power of the colonies to absorb them.³ Grey's anticipations were realized. The Report of the Committee contained some sound generalities, and an approval of emigration in the abstract, but discounted the belief that colonization by itself could remedy Irish distress, and instead of enlarging upon the advantages of any specific plan, pointed out the limitations of them all.⁴ It was one of those disappointments that are inevitable when high but cloudy aspirations come into contact with hard facts.

At least it cannot be said that the disappointment was due to any ill will on the part of the Imperial Government. It was obviously to their interest to find a practicable plan.

¹ Memorial to Lord J. Russell (23 March 1847): *P.P.*, 1847, vi (H.C. 737), pp. 203-16.

² Elgin to Grey (7 May 1847): *Elgin-Grey Correspondence*.

³ House of Lords, 4 June 1847: *Hansard*, Third Series, vol. xciii, pp. 108-16.

⁴ *P.P.*, 1847, vi (H.C. 737), pp. iii-xvi.

Hundreds of thousands of Irish were fleeing—there is no other word—across the Ocean. It was equally impossible to arrest their flight and to organize it upon any plan at all likely to succeed. Mere State aid to emigration would not touch the real problem. It would throw upon the Government more responsibility for the transport and maintenance of the emigrant and would involve some measure of selection; but the undesired pauper would still go, without State aid, for it would pay the person who wished to get rid of him to send him. With the increase of responsibility would come no real increase of control. Meanwhile the valuable 'remittance system' would come to an end. No guarantee could be given that the colonies would benefit by the selected emigrants, for they might find it a convenient way of going to the United States.¹ No less a person than Charles Buller concurred in the propriety of doing nothing in such circumstances to aid the large voluntary emigration from Ireland.² If, however, organized emigration was impossible, that was not to say that voluntary, unassisted emigration was satisfactory. On the contrary, the strain of 1847 broke down what means there were for preserving some sort of order and preventing the worst abuses. Until the figures appeared, no one knew the actual extent of the emigration: then it was found that no fewer than a quarter of a million, of whom 108,000 had gone to the British Colonies, had emigrated to North America within the year. Most of these were Irish; many of them were utterly destitute; and they brought with them every kind of disease. The rate of mortality, on the voyage or in quarantine or hospital, increased from one-half to sixteen per cent. Lord Grey found some consolation in the fact that the Government had refused to add to these multitudes; but it was clear that mere *laissez faire* was no remedy for such a state of affairs as this.

The immense influx of starving and dying men—coming as it did in the midst of a commercial depression generally ascribed to Imperial legislation—not only filled the North American colonies with alarm: it produced a feeling of

¹ On this see Grey to Elgin (29 January 1847): Bell and Morrell, op. cit., pp. 249-53; Evidence of T. F. Elliot: *P.P.*, 1847-8, xvii (H.C. 415) QQ. 482-5.

² Buller, *Thoughts on the Irish Measures of the Government* (n.d.): *Howick Papers*.

discontent not without its risk of political reactions. As Elgin wrote to Grey:

'That section of the French who dislike British emigration at all times, find, as might be expected, in the circumstances of this year, a theme for copious declamation. Persons who cherish republican sympathies ascribe these evils to our dependent condition as colonists. . . . There is a general belief that Great Britain must make good to the province the expense entailed on it by this visitation. . . . You urge, that when the first pressure is past, the province will derive, in various ways, advantage from this immigration—that the provincial administration, who prescribe the measures of relief, have means, which the Imperial authorities have not, of checking extravagance and waste; and you conclude that their constituents ought to be saddled with at least a portion of the expense. I readily admit the justice of the latter branch of this argument, but I am disposed to question the force of the former. The benefit which the province will derive from this year's immigration is, at best, problematical; and it is certain that they who are to profit by it would willingly have renounced it, whatever it may be, on condition of being relieved from the evils by which it has been attended. . . . I fear that a comparison between the condition of this province and that of the states of the neighbouring republic, as affected by this year's immigration, would be by no means satisfactory or provocative of dutiful and affectionate feelings towards the Mother Country on the part of the colonists.'¹

Grey agreed in the circumstances to ask Parliament to defray the whole expense incurred in connexion with the immigration of 1847, on condition that the colony should henceforth shoulder the burden. For the prevention of any repetition of the calamity of 1847 he looked mainly to action by Canada herself. He suggested doubling the existing 'emigrant tax' of 5s. in the case of emigrants unfit for labour and thereby making it the interest of those responsible to see that the emigrants they sent were suitable and healthy.² When the Indigent Immigrant Bill proposed by Canadian Ministers was submitted to him, he thought it unduly severe in some respects and likely to divert the flow to the other British Provinces and the United States, and to check provincial trade, which was closely bound up with the

¹ Elgin to Grey (n.d.—1847): Walrond, *op. cit.*, pp. 43–5.

² Grey to Elgin (1 December 1847): *P.P.*, 1847–8, xlvii (H.C. 50), pp. 27 ff.

emigrant traffic;¹ but in its final form it passed into law without objection on his part. The result of the famine emigration had thus been to shift the responsibility for migration more decidedly to Canada. It had been admitted before that nothing could be done without colonial co-operation; but there had persisted a tendency to regard colonization as primarily an Imperial affair. After the calamities of 1847 this position could hardly be defended.

After the crisis the amount of mortality and sickness considerably diminished; and a Committee of the House of Commons in 1851, though it discovered grave abuses at the Port of Liverpool, and recommended better provision for inspection and for the maintenance of order and cleanliness on board ship, paid a tribute to the zeal and discretion with which the Land and Emigration Commissioners enforced the existing regulations.² The Canadian restrictions, however, and the relatively low demand for labour, did lead to a diversion of the stream to the United States. In 1848, only some 25,000 went to Canada and some 4,000 to New Brunswick, as compared with 188,000 going to the United States, and these proportions were roughly maintained in subsequent years. *The Times* might say that the real trouble was the influence of the French party in Canadian politics;³ but in actual fact the point was that Canada was claiming the right to regulate immigration in accordance with her needs as she conceived them. It was not much in consonance with the economic ideas of the time that the Government should actively exert itself to divert emigration from a country where the emigrants could find employment unaided. Indeed during the years 1845-9, of the 253,000 emigrants who actually landed in Canada and New Brunswick at least 73,000 had gone to the United States eventually. Canada did after all receive as many immigrants as the States in proportion to its population; and it was currently held that trade bound American and British interests so closely together that the more immigrants the United States received the better for Great Britain.⁴

¹ Grey to Elgin (6 April 1848); *ibid.*, (Cmd. 932), pp. 27-9.

² *P.P.*, 1851, xix (H.C. 632), pp. iii-xxxii.

³ *The Times*, 12 February 1849.

⁴ Grey, *The Colonial Policy of Lord J. Russell's Administration*, vol. i, p. 245.

Yet Grey was not so wedded to *laissez-faire* ideas as to believe that Great Britain could do nothing to promote the colonization of her North American Provinces. They were receiving as many immigrants as they could cope with, but capital was by no means coming in as freely as labour. It was, said Elgin, futile to hope that the relation between population, capital, and occupied territory could be much affected by changes in the price of land; but, asked Grey, if the provision of employment for immigrants was the heart of the problem, and if private individuals could not provide employment, could not the problem be solved by undertaking public works?¹ Here was a matter in which the Imperial Government could obviously help. Help had been given to Upper Canada in her financial difficulties at the time of Union by a promise of a guaranteed loan, and the guarantee had achieved its object. Could not this method be applied to the problem in its new form? The age of canals was closing: the age of railways had begun. What of the railway advocated by Durham to connect Halifax and Quebec? It was of Imperial interest that such a work should be undertaken: and it would certainly create, incidentally, an additional demand for labour.

By 1848 Grey had become a convinced supporter of Imperial assistance to the line. The idea was not entirely new. The possibility of an Imperial guarantee had first been mooted in 1845 in Nova Scotia, and Stanley, and Gladstone after him, were not unfavourably disposed towards it. Gladstone sounded the North American Governors as to the possibility of constructing the line at Imperial expense by convict labour.² Nothing came of this idea, but in 1846 the Assemblies of the three colonies concerned all expressed approval of the railway; while Gladstone was still in office the Imperial Government decided to undertake a survey, and Grey commended the line to the colonies in his instructions to Elgin. In 1847 the plan was advocated by the Chief Emigration Agent in Canada³ and by several witnesses before the Lords' Committee on Irish Colonization, but the state of the money market put it out of the question. In

¹ Grey to Elgin (2 February 1847 and 2 April 1848): *Elgin-Grey Correspondence*.

² Gladstone to Falkland (18 May 1846) (Confidential): CO 218/33.

³ Elgin to Grey (25 February 1847): Enclosure: P.P., 1847, xxxix (Cmd. 824), p. 7.

1848 came the report of the surveyor, Major Robinson. It was unfavourable to the line as a commercial speculation, but Grey thought the object one of 'immense national importance' and the political arguments for a guarantee sufficient. The more restless and enterprising of the working classes—those most likely to give trouble in years of revolution—might, he suggested, be provided with an outlet for their energies by the enlistment of ten thousand 'military labourers' for the construction of the railway. The necessary loan could be relied upon to be productive.¹ There was something, perhaps, to be said for the military discipline: railway navvies had an equivocal reputation in England, and earlier labourers on public works in Canada had shown an undue fondness for their shillelaghs: but the colonial authorities eyed the scheme a little doubtfully.² By November Grey had evolved a variant on less unconventional lines. £5,000,000 was to be advanced by the Imperial Government for the construction of the railway by Irish emigrant labour, the interest being secured by an increase in the duty on colonial timber to the level of the foreign duty.

He had good hopes of success. 'Though the economical fever is very strong upon John Bull at the moment,' he wrote to Elgin, 'the desire to promote emigration is also a reigning fancy of the day'.³ The Cabinet seemed to prefer his plan to the alternative suggested by Russell and Clarendon, the Lord Lieutenant, who looked at the matter as so many before them had done exclusively from the Irish point of view and proposed merely to empower Irish Poor Law Unions to borrow money for emigration.⁴ Hincks, the most active member of the Canadian Ministry, was also a warm supporter of the plan. Such public works, he thought, were the real solution of the problem of the destitute immigrant. Besides, Canada's greatest need was capital: Canadian investments—partly, it appears, owing to the fear that Canada might join the United States and then repudiate⁵—were not

¹ Memo. (14 April 1848): *Howick Papers*.

² Memo. (n.d.): *ibid.* Wakefield, who was approached by Buller, disapproved of the plan as mere 'Wilmot Hortonism': see *The Founders of Canterbury*, p. 27.

³ Grey to Elgin (16 November 1848): *Elgin-Grey Correspondence*.

⁴ Greville, *Journal of the Reign of Queen Victoria*, vol. iii, p. 251. Walpole, *Life of Lord J. Russell*, vol. ii, pp. 75-8.

⁵ Minute of Hawes (11 January 1849): CO 42/552: No. 191.

nearly so much sought after by British capitalists as investments in the States. Hincks suggested that, as the Imperial Government would be supplying the money, it should also execute the work: the Canadian Government would accordingly be ready to transfer the public lands to a depth of ten miles on each side of the railway to Imperial control, and to purchase all the private property required for the construction of the line. To the increase in the colonial timber duty as security for the necessary loan he offered no objection.¹ Elgin pointed out the value of the scheme as a bond of union among the North American Provinces and between the Provinces and Great Britain:² Head of New Brunswick spoke of the effect it would have in breaking down narrow local jealousies within the Province.³ In April the Canadian Assembly promised an annual vote of £20,000 to meet a deficiency, should such occur, and offered the lands as Hincks had proposed. The Assemblies of Nova Scotia and New Brunswick did likewise. Yet the political difficulties in England were in the end too great. In January 1849 Grey had begun to be pessimistic:

'The state of our own finances and the great indisposition both on the part of the public and of the House of Commons to listen to any proposition for incurring expense in the colonies render it hardly possible at this moment to bring forward such a measure.'⁴

Grey had hoped that the votes of the Colonial Assemblies might turn the scale, but they did not. In April he wrote to Elgin telling him that the plan must for the present be abandoned.

The effect of the miscarriage of this plan was not so much to check railway-building in Canada as to divert attention to other and less far-reaching schemes. Railways were no mere luxury but a necessity if Canada were to continue the policy so long pursued of drawing the traffic of the Western States as far as possible into Canadian channels. By 1848

¹ Memo. in Elgin to Grey (20 December 1848): *P.P.*, 1849, xxxviii (Cmd. 1025), pp. 20-3. The transfer of lands, &c., had been suggested by Lord Grey.

² Elgin to Grey (20 December 1848): *P.P.*, 1849, xxxv (Cmd. 1031), pp. 58-9.

³ Head to Grey (31 March 1849): CO 188/108.

⁴ Grey to Head (26 January 1849) (Private): *Howick Papers*.

there was a nine-foot waterway from Chicago to Montreal, but the canal policy had missed its mark. 'In the United States the railway, with its speedy all-year service, had already taken the place of the canal.'¹ From this point of view the Halifax-Quebec Railway was only a part, and not an essential part, of the Canadian counter-attack. The Directors of two projected railways—the Great Western, from Detroit to Buffalo and Toronto, and the St. Lawrence-Atlantic, connecting with a line from Portland, Maine—had appealed to the Canadian Government for assistance, and at the session of 1849 their request was granted. The Halifax-Quebec line meant more to the isolated Maritime Provinces, and early in 1850 the Legislative Council of Nova Scotia again called attention to its importance, and the Assembly of New Brunswick asked for a grant-in-aid of £1,000,000. The reply, however, was again a *non possumus*, and for the next few months the talk was all of a line from Portland to Halifax to connect with steamers there. The earlier project had for the time disappeared from sight.

At the end of 1850, however, Joseph Howe visited England, and a change came o'er the scene. In his letter of 25 November he urged upon Lord Grey, on broad Imperial grounds, an Imperial guarantee for the Portland line; but it was round the Halifax-Quebec Railway that the long negotiations centred. Hitherto Grey had been fighting single-handed not only his colleagues in the Cabinet but the Cobdenite influence in Parliament and the country: but Howe brought to his call for action the same fervour that Cobden brought to the defence of *laissez faire*. It was not as a petty colonial politician, seeking financial favours, that he came, but as the first of colonial missionaries of Empire. The effect of his preaching wore off, but it was potent while it lasted. Grey had some difficulty in convincing his colleagues. He pointed out that Elgin had continually urged that the most serious danger to the Imperial connexion arose from the Canadian experience that it hindered the influx of capital they so much wanted: but Russell thought the time not ripe, and Sir Charles Wood, with the cool scepticism common in

¹ Skelton, *The Railway Builders* (Chronicles of Canada), p. 35.

Chancellors of the Exchequer, considered that the Canadians had themselves to blame for the preference given to United States securities.¹ In the end, however, he won them over; and the effect of Howe's operations upon opinion was seen when in February Stanley came out boldly, in a discussion in the House of Lords, in favour of the guarantee. On 10 March, after delay due to a political crisis, the negotiations with Howe were brought to a conclusion. The Imperial Government agreed on certain conditions to Howe's request for an Imperial guarantee to a loan of £800,000, the estimated expense of the part of the projected line passing through Nova Scotia, on condition that satisfactory arrangements of a similar kind were made with Canada and New Brunswick. The Government would not feel justified in asking Parliament to pledge the credit of the country for any object not of Imperial importance, but would not insist on the Robinson line. 'It is also to be understood', the letter added, 'that Her Majesty's Government will by no means object to its forming part of the plan . . . that it should include a provision for establishing a communication between the projected railway and the railways of the United States'. The loans were to be made a first charge on the provincial revenues after the existing debts and civil lists, and secured on special taxes, and were to be expended by the Colonial Governments under the superintendence of Imperial Commissioners. Convicts might be employed, but only on express application from the Provincial Legislatures.²

Grey and Howe between them, then, had overcome the inertia of the Cabinet on the one hand, the hostility of the City on the other. For the City looked suspiciously at this heresy of a *laissez-faire* Government.

'It is impossible to conceal that the argument used by Nova Scotia and New Brunswick, that they have a right to the same help as has already been accorded from time to time to Canada, may be used by every other colony; that the original departure from the principle of leaving all these things to the natural course of private enterprise was consequently erroneous. . . . Of all the pleas put forth on behalf of

¹ Grey to Russell (18 November 1850); Russell to Grey (23 November 1850); Wood to Grey (13 November and 22 December 1850): *Howick Papers*.

² Hawes to Howe (10 March 1851): *P.P.*, 1851, xxxvi (Cmd. 1344), pp. 63-5.

the grant in the present instance, such as the necessity for a Government encouragement of emigration to Canada to raise up a counter-influence to the United States, the desirableness of stimulating the loyalty of the inhabitants, and the advantages of railways being constructed under state supervision so as to be applicable to political purposes, there is not one that would now be admitted for a moment amongst the commercial classes of this country.’¹

The Government, however, had committed themselves. Grey commended the scheme to the Governors, and Howe went back to commend it to the peoples of British North America.

To Howe’s sanguine spirit failure must have seemed inconceivable: but the Assembly of New Brunswick was in no very accommodating mood. The Halifax–Quebec line might open up new country, but it would pass far to the north of Fredericton and St. John, the political and commercial hubs of the provincial universe. Past refusals, said the Assembly irritably, had induced the province to turn its thoughts to other lines, less expensive and more likely to bring returns; and for them—the line to Portland, and one from the border port of St. Andrew’s to Quebec—it had pledged its credit to the amount of £300,000. It could do no more.² But Howe talked over the leading member of the New Brunswick Government, Mr. Chandler, and went on with him to Toronto. There they conferred with the Canadian Government, and reached an agreement. These June terms, which all three Governments in due course ratified, were that the line from Halifax to Quebec should be built on the joint account and at the mutual risk of all three, ten miles of Crown Land along the line being vested in a joint Commission, and the proceeds of the lands appropriated towards loan payments; that New Brunswick should construct the Portland line, with the funds advanced by the British Government, at her own risk; that Canada should, at her own risk, complete the line from Quebec to Montreal, withdrawing the general railway guarantee she had offered and concentrating her resources upon this trunk

¹ *The Times*, 23 April 1851.—Money Market and City Intelligence.

² Head to Grey (7 April 1851): Enclosures: CO 188/114. On the temper of the New Brunswick Assembly at this time see also below, pp. 466–7.

line and its extension as far west as Hamilton.¹ Howe had to all seeming won his great campaign.

Then in December came a bombshell from Downing Street. Lord Grey denied that the Imperial guarantee had been meant to extend to the Portland line—a line which was being constructed not so much for Imperial reasons as to satisfy one individual colony.² Howe maintained that he could never have converted Chandler without the promise of such a guarantee: 'We both knew that New Brunswick would be no party to any arrangement which threw her funds into a comparative wilderness, and left her chief commercial cities in a state of hopeless isolation.'³ He quoted speeches and documents which had been duly forwarded to the Colonial Office to show that he had all along been proceeding on this assumption. It has not seldom been said that Grey was guilty of a breach of faith,⁴ that he had been talked round by Messrs. Peto, Brassey, Betts and Jackson, the great railway contractors who afterwards secured the contract for the Canadian Grand Trunk.⁵ Yet it is impossible to read through the Colonial Office papers without coming to the conclusion that Howe had indeed made a mistake, and without feeling that the only question is whether he had not made it on purpose, as Grey privately expressed his opinion, 'to drive us rather further than we intended to go'.⁶ It is not merely a case of recollections of private conversations; for it *was* part of the scheme that the smaller railway, without an actual guarantee, should as far as possible be carried on the back of the larger. Grey was aware that New Brunswick would be the principal difficulty, considering as it did the southward line to be essential.

'My belief was that contemplating the execution of this line by such means as could be found *without* the assistance of Parliament, they might find a great advantage in the execution of the Halifax-Quebec

¹ Report of Howe (20 July) in Bazalgette to Grey (4 August 1851): *P.P.*, 1852, xlviii (Cmd. 1516), pp. 34-7.

² Grey to Harvey (27 November 1851 and 9 January 1852): *ibid.*, pp. 56-62.

³ Enclosure in Harvey to Grey (11 December 1851): *P.P.*, 1852, xlviii (Cmd. 1516), pp. 45-7.

⁴ Most recently by Professor W. L. Grant in his revision of Longley, *Joseph Howe* (Makers of Canada Series) (1926). Appendix E.

⁵ See Howe's *Speeches and Public Letters* (ed. Chisholm), vol. ii, pp. 215 ff.; 311 ff.

⁶ Grey to Head (28 November 1851) (Private): *Howick Papers*.

line by the assistance of Parliament because this would provide for the execution of that portion of the line through Nova Scotia which would be common to both without requiring the capital to be provided on the spot, and would thus leave a large amount of such capital available for the line which the Province [was] to execute for itself.¹

Surely not an unreasonable belief. The Colonial Office may have been to blame in not detecting the misapprehension earlier; Howe may be let off lightly on the ground that he was carried away by his devotion to a great idea; but there was no breach of faith on the part of the Imperial Government. If it were true, moreover, that the contractors had brought the scheme to nought, by arguing that they could construct the line without an Imperial guarantee, surely Lord Grey would have withdrawn from the guarantee scheme altogether under cover of Howe's mistake. Yet he did all he could to keep the scheme alive. A new compromise was speedily arranged in America, New Brunswick being satisfied by a change of route to the St. John Valley; and Hincks and Chandler proceeded to London to renew negotiations, Howe this time remaining behind. Grey's letter to Hincks was not that of a man who had wilfully wrecked a promising project. 'While I much regret the rejection of the more central line', he wrote, 'I think it would be better to promote that to which alone the provinces as it seems can be brought to agree than to allow so great a design to drop altogether'.²

The great design, however, had for the time to be dropped. Grey went out of office. The Conservative Government felt unable to assist by a guarantee a line which, unlike the one at first proposed, passed close to the American frontier and opened no new tract of country to emigration.³ Hincks was driven into the waiting arms of Mr. Jackson and his associates, and the result of his visit to England was not the Intercolonial but the Grand Trunk. The great scheme of railway colonization by which Grey had hoped to crown his North American policy had come to nothing after all. His aims had been high aims. 'My impression', he wrote to Head in 1851, 'is strongly in favour of a federal union of the

¹ Minute (7 January 1852): CO 217/206: No. 10521.

² Grey to Hincks (20 February 1852): *Howick Papers*.

³ Pakington to Elgin (20 May 1852): *P.P.*, 1852, xlviii (Cmd. 1516), pp. 18-19.

British Provinces in North America, but . . . till the railway is constructed, or at all events fairly commenced, it appears to me that any attempt at such a measure would be premature'.¹ It was indeed so: or at any rate, when in 1865 the Quebec Conference decided to form such a federal union, the great inducement to the Maritime Provinces was the promise of an Intercolonial Railway. He was, however, in advance of his time in this as in not a few other things—and so, for the matter of that, was Howe. For in the last analysis the verdict upon the events of 1851 must surely be, not that Howe went too far, nor that Grey drew back, but that the people of the North American Colonies were not yet ready to believe that what was in the interests of all was in the interests of each.

One essay was made by Lord Grey in another part of North America, in a small way, in the more orthodox kind of systematic colonization. In 1846, after the Oregon Treaty, the Hudson's Bay Company asked for a grant of Vancouver Island. Grey listened to them favourably.

'Looking to the encroaching spirit of the United States I think it is of importance to strengthen the British hold upon the territory now assigned to us by treaty, by encouraging the settlement upon it of British subjects; and I am also of opinion that such settlement could only be advantageously effected under the auspices of the Hudson's Bay Company, which I am therefore disposed to encourage.'²

The negotiations were long, and were not conducted without criticism from outside. J. E. FitzGerald, the future Canterbury Pilgrim, emerged from the recesses of the British Museum with a rival scheme in which it is perhaps not fanciful to detect the influence of Wakefield or at any rate of Godley.³ He proposed to establish a new company to work the coal and colonize the island. Primed perhaps by him, Gladstone and others strongly opposed the grant in the House of Commons. They made the points that the little settlement of Red River had recently been complaining of the maladministration of the Company, and that such a trading body had no interest in colonization, but rather the

¹ Grey to Head (19 August 1851) (Private): *Howick Papers*.

² Minute (16 September 1846): CO 305/1.

³ FitzGerald to Hawes (9 June 1847, &c.): *ibid*.

contrary.¹ There were indeed some members of the Company, like 'Bear' Ellice, who frankly avowed that they had no desire to see a flourishing settlement on Vancouver Island,² but it is a mistake to think that Grey was a mere catspaw of the Company. Not even Charles Buller believed it likely that Vancouver Island would receive many inhabitants within the next fifty years: the tide of population must first, he said, begin to flow over the Rocky Mountains into California.³ The essential thing, in Grey's mind, was to bind the Company to establish a colony and then to keep it up to the mark. It could not be ignored: it therefore must be used. The hostile motion in the House was only defeated by 76 to 58, but the defeat left the Government free to execute the Charter of Grant on 13 January 1849.⁴

Its terms were of the kind usually granted at this time to colonizing Companies: it was doubtless good sound Wakefield doctrine and not, as Canadian historians are apt to suppose, a desire to check colonization that led to the fixing of the price of land at £1 per acre. It was further stipulated that a Legislative Assembly should as soon as possible be created. In accordance with his policy of acting through the Company Grey appointed the first Governor, Richard Blanshard, on their recommendation. 'As the power of the Governor would be restrained by an Assembly representing the inhabitants', he had written, 'I can see no danger in allowing the Company to select him'.⁵ After Blanshard's short and uneasy career had been closed by resignation, Grey again turned to the Company, and this time they made no mistake, but recommended James Douglas. By 1852 only eleven persons had purchased land, though nineteen others had made application, and only 435 emigrants had been sent out.⁶ It was not until 1858 that British Columbia really came into existence. Grey himself was none too well pleased with the Company's management. Yet on the whole the grant may be said to have justified itself. 'It is not at all

¹ *Hansard*, Third Series, vol. ci, pp. 263 ff.

² Ellice to Pelly (Governor of the Company) (29 August 1848): *Howick Papers*.

³ House of Commons, 18 August 1848: *Hansard*, Third Series, vol. ci, pp. 291-5.

⁴ *P.P.*, 1849, xxxv (H.C. 103), pp. 15-16.

⁵ Minute (24 June 1848): CO 305/1; Grey to Pelly (20 June 1849): CO 305/2.

⁶ Colville to Pakington (24 November 1852): *P.P.*, 1852-3, lxx (H.C. 83).

likely', says a British Columbia historian, 'that at that period any settlement would have taken place before the discovery of gold, and the Hudson's Bay Company made substantial improvements in the vicinity of Victoria and formed the nucleus of settlement and civilization that was highly useful and advantageous when the rush of miners took place in 1858'.¹ A claim had, in short, been pegged out for posterity.

Grey and his colleagues had done little, perhaps, for the colonization of North America: they had started no great new colonizing schemes. But, alike in the case of the Irish famine and of the railway, it was not for want of trying. They did not allow themselves to be discouraged by the fact that the colonies had little sympathy with Wakefield's ideas: and they took at least as broad a view of colonial needs as the Colonial Governments, and were ready to use Imperial credit for colonizing schemes to which they could win colonial assent. It must not be forgotten that the colonies had no desire to be made the mere instruments of an Imperial policy of colonization from Ireland or anywhere else. When the 'systematic colonizers' fumed and fretted, they forgot that there were two parties to these questions. Of the 'systematic' and 'unsystematic' colonies, it was the latter who in 1852 were on the whole best satisfied with the manner of their colonization.

¹ R. E. Gosnell in *Canada and its Provinces*, vol. xxi, p. 85.

XVIII

THE ESTABLISHMENT OF RESPONSIBLE GOVERNMENT IN THE NORTH AMERICAN COLONIES

IN the Australasian colonies and at the Cape Lord Grey was dealing with colonies into which the representative principle had been introduced imperfectly or not at all, and in which its introduction was complicated either by a difficult native problem, or on the other hand by the existence of an effective Imperial control of lands and of a system of convict transportation. In the North American colonies these complicating factors were absent: they had been for many years accustomed to representative government, and in Canada and Nova Scotia at least the all-important question had long been that of control of the Executive. The Peel Ministry, as we have seen, had professed to be anxious as far as possible to govern Canada in accordance with the wishes of the people, but had fought hard against government by party, had refused to allow the power of the Crown, through its local representative the Governor-General, to be used for party purposes, and had confused the issues by attempting to set 'republican' institutions against 'monarchical' and by judging all parties by their own criterion of 'loyalty'. The result had been that the party which was prepared to govern on these terms was in office with a hardly won majority in the House of Assembly. On the other hand the French were as much in opposition as in Lord Sydenham's time; the Ministry was weak in personnel and its majority was precarious in the extreme; and the Liberals were looking forward with confidence to the results of elections which could not be much longer delayed.

In the near future a critical decision would have to be taken: it was of vital importance that the right man should be on the spot. The emergency which had led to Cathcart's appointment had passed, and the responsibility rested upon the Russell Ministry. Stanley and Gladstone had both thought of Elgin, who had no desire to stay longer in Jamaica,

but Elgin's hopes were dashed when his political friends went out of power. Grey, however, met him, was struck by his ability and character, and offered him the post. With his depth of thought and sureness of judgement, his tact, his sense of humour, his power of seeing both sides of a question, Elgin was supremely fitted by nature for a post which was concerned with nothing more nor less than the gaining or the losing of an Empire. Before leaving England he married Lord Durham's daughter and 'adopted frankly and unequivocally Lord Durham's view of government'.¹ Frankly and unequivocally, where lesser men had drawn fine distinctions and not seldom cast regretful glances backward to the time before Lord Durham, he resolved to treat all parties alike and to preserve Canada for the Empire by trusting the Canadian people.

There was one possible alternative to simply letting the Canadians have their way, however petty or violent their politics might be. It was to form a federal union of the North American Colonies. Grey was attracted by the idea, and it formed the staple of many of the policy discussions before Elgin left. It was not long, however, before Elgin was convinced that it was impracticable. The actual effect in Canada of the conflicting tariffs was small, for Canada was separated from the Maritime Provinces by hundreds of miles of wilderness, and the barriers in men's minds were very real.

'The French dislike a measure which has, they think, a tendency to increase British influence. The inhabitants of Montreal dread it, because they fancy it will lead to the removal of the seat of government to Quebec. The trading interests seek to communicate with the Ocean through New York or Portland rather than Halifax.'²

This, as Grey agreed, was for the time being conclusive; and Elgin saw that the wise course was to take things as he found them. The Conservatives, whatever Metcalfe might say, were as ready to use patronage for party advantage as ever the Liberals had been.³ The real point was that this sort of

¹ To Lady Elgin (31 December 1846): Walrond, *Letters and Journals of Lord Elgin*, p. 36. Elgin left for Canada on 5 January 1847.

² Elgin to Grey (7 May 1847) (Private): *Elgin-Grey Correspondence*.

³ Elgin to Grey (17 March 1848) (Private): *ibid*.

thing could hardly be avoided in a community which was enjoying its first taste of self-government.

‘It is not wonderful that a privilege of this kind should be exercised at first with some degree of recklessness, and that, while no great principles of policy are at stake, methods of more questionable character for winning and retaining the confidence of these arbiters of destiny should be resorted to. My course in these circumstances is, I think, clear and plain . . . I give to my ministers all constitutional support, frankly and without reserve, and the benefit of the best advice that I can afford them in their difficulties. In return for this, I expect that they will, in so far as it is possible for them to do so, carry out my views for the maintenance of the connexion with Great Britain and the advancement of the interests of the Province.’¹

Once again Elgin carried Grey with him. Grey concurred in the view that complete neutrality between the parties was essential and that Metcalfe had given too much countenance to the idea that the Home Government was more connected with and had more confidence in the Conservatives.²

A last attempt was made by Elgin’s advisers to form a coalition with a section at least of the French. After its failure, there was nothing for it but an election, which took place in December 1847. Secure in the support of the Imperial Government, Elgin faced the prospect without dismay, and when his Ministers were defeated he quietly accepted the men whom Metcalfe had stigmatized as democrats and disloyalists—Baldwin and La Fontaine. Grey indeed had promised support in advance:

‘I can have no doubt that you must accept such a Council as the newly elected Parliament will support, and that however unwise as relates to the real interests of Canada their measures may be, they must be acquiesced in, until it shall pretty clearly appear that public opinion will support a resistance to them. There is no middle course between this line of policy and that which involves in the last resort an appeal to Parliament to overrule the wishes of the Canadians.’

He pointed out that the Governor-General was by no means powerless to resist any improper proposal on the part of his Ministers; but he saw no reason to despair of good relations with the new Ministry even though the leaders of

¹ Elgin to Grey (13 July 1847) (Private): Walrond, *op. cit.*, p. 40.

² Grey to Elgin (2 June 1847) (Private): *Elgin-Grey Correspondence*.

the majority should insist on the inclusion of Papineau himself.¹ Elgin, however, found that just as Metcalfe's distrust had bred distrust and irresponsibility, so confidence bred confidence. Baldwin and La Fontaine had not been in office a week when he wrote to Grey:

'My present Council unquestionably contains more talent, and has a firmer hold on the confidence of Parliament and the people than the last. There is, I think, moreover, on their part, a desire to prove by proper deference for the authority of the Governor-General . . . that they were libelled when they were accused of impracticability and anti-monarchical tendencies.'²

Responsible government seemed in his hands the most natural system in the world.

Elgin had indeed solved two problems at a single stroke. He had dispelled the idea that responsible government was synonymous with independence, and he had taken away from French Canadian intransigence its last shred of justification. The French Canadians had their faults. 'They seem incapable', Elgin had written, 'of comprehending that the principles of constitutional government must be applied against them as well as for them'.³ After all, however, their attitude was not without its excuse. Durham and Sydenham had both looked upon them as an inferior race, inevitably destined in course of time to merge their individuality in an Anglo-Saxon civilization, and the work that Bagot had done for reconciliation had been undone by Metcalfe. Metcalfe had attempted to win them over in his later days, but his concessions had been too obviously dictated by political necessity. The arch-agitator Papineau had returned to Canada, filled with hatred of Great Britain, and loudly proclaiming responsible government to be a delusion and a snare. Elgin had met Papineau and found that the Prince of Darkness was a gentleman,⁴ but he was an enemy for all that. Elgin, with Grey's support, set about checkmating him. A complete amnesty was granted for the rebellion of 1837;

¹ Grey to Elgin (22 February 1848) (Private): Bell and Morrell, op. cit., pp. 107-8.

² Elgin to Grey (17 March 1848) (Private): Walrond, op. cit., p. 52.

³ Elgin to Grey (28 June 1847): *Elgin-Grey Correspondence*: Morison, *British Supremacy and Canadian Self-Government*, p. 196.

⁴ 'I found him a very well-bred, intelligent man': quoted by Morison, *The Eighth Earl of Elgin*, p. 89.

the language restrictions of the Union Act were repealed;¹ and the acceptance of the Reform Ministry completed the combination. In one of his most famous letters, Elgin rejected the idea of assimilation as at once illiberal and impolitic.

'You may perhaps Americanize, but, depend upon it, by methods of this description you will never Anglicize the French Canadian inhabitants of the Province. Let them feel, on the other hand, that their religion, their habits, their prepossessions, their prejudices if you will, are more considered and respected here than in other portions of this vast continent, and who will venture to say that the last hand which waves the British flag on American ground may not be that of a French Canadian?'²

This policy of simple justice was as successful as the most Machiavellian statesmanship could have been. It became clear that the wind had been completely taken out of Papineau's sails, and La Fontaine had soon left him far behind. The year of revolution passed without any disturbance, despite the economic distress.

It was, however, the calm before the storm. A Governor-General and a Secretary of State had conceded a principle: when the principle came to be acted upon, would the British Parliament and British public opinion support them? Public opinion, it is true, was largely indifferent, but there was some risk that it might be stampeded by irresponsible or interested agitators. In 1849 the Canadian Ministry, in pursuance of a policy initiated by their predecessors, introduced a Bill compensating inhabitants of Lower Canada, excepting those convicted of high treason, for unjust, unnecessary, or wanton damage suffered in the rebellion. The Opposition of course denounced it as a measure for rewarding rebellion, and raised the old cry of 'French domination'. Elgin refused to be intimidated. He knew that the dissolution of Parliament would be a useless and indeed a dangerous step. He believed that if he quarrelled with the Liberals he would be opening the gates of the province to 20,000 or 30,000 Irish American 'repealers'.³ He refused to

¹ 11 & 12 Vict., cap. 56.

² Elgin to Grey (4 May 1848): Walrond, *op. cit.*, p. 54.

³ Elgin to Cumming Bruce (10 June 1849): Morison, *The Eighth Earl of Elgin*, p. 107.

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reserve the Bill and shift the responsibility on to the shoulders of the Imperial Government.

‘If I pass the Bill, whatever mischief ensues may probably be repaired, if the worst comes to the worst, by the sacrifice of me. Whereas, if the case be referred to England, it is not impossible that Her Majesty may only have before her the alternative of provoking a rebellion in Lower Canada, by refusing her assent to a measure chiefly affecting the interest of the habitants, and thus throwing the whole population into Papineau’s hands, or of wounding the susceptibilities of some of the best subjects she has in this Province.’¹

There was no foundation for the cry of French domination: 17 out of 31 Upper Canadian members and 6 out of 10 Lower Canada British supported the third reading of the Bill. Accordingly he used the discretion which Grey had left him to assent to the Bill, and was rewarded by the coarse vituperation of the Tory Press and by the stones and rotten eggs of the Tory mob of Montreal. This disgraceful riot culminated in the burning of the Houses of Parliament. Elgin was more than ever convinced that he was right. ‘If this dictation be submitted to, the government of this province by constitutional means will be impossible.’² Yet he refused, with extraordinary wisdom and self-restraint, to provoke the Tories by using the military to restore peace and quiet in Montreal. On the contrary the Rebellion Losses Commissioners of the former Ministry were reappointed with instructions placing upon the Act ‘the most restricted and loyalist construction of which the terms are capable’.³ Elgin’s way with opponents was quietly to let them learn that they had been wrong.

Elgin’s decision, however, did not pass unchallenged in England. The issue gave a magnificent opportunity to those who held that responsible government was derogatory to the honour of the Crown. The leading English newspapers had all something to say upon the subject. *The Times* alone supported Elgin. Grey took care to furnish it with correct information,⁴ and it insisted more and more strongly

¹ Elgin to Grey (14 March 1849): Walrond, op. cit., p. 78.

² Elgin to Grey (30 April 1849): Kennedy, *Documents of the Canadian Constitution*, pp. 579 ff.

³ Elgin to Grey (17 June 1849): Walrond, op. cit., p. 89.

⁴ Grey to Elgin (18 May 1849): *Elgin-Grey Correspondence*.

as time went on that the real question was not one of loyalty or disloyalty, as it used itself to assume in the days of Bagot and of Metcalfe, but one of self-government or no self-government.

'Riot, insult, and conflagration are the acts of a party which despairs of attaining its end by peaceful and ordinary methods. . . . The rebels of 1837 were patriotic and honourable men compared with their present opponents. The former fought for free and equal institutions; the latter for the ascendancy of a faction and a race.'¹

The *Morning Post* attacked the Whigs for their subserviency to the Canadian Assembly, the Peelite *Morning Chronicle* and the Radical *Spectator*, both of which piqued themselves on their support of Colonial Reform, blamed Elgin for not requiring the insertion of proper safeguards in the Bill and thus sparing the Imperial Government 'the disgrace of adopting the wrong side in a local quarrel'.²

In Parliament, too, there was a readiness on the part of critics of the Government to assume, as these newspapers had done, that the accusations of the Canadian Opposition were well founded. On 14 June Gladstone initiated a full-dress debate on the subject in the House of Commons. He disapproved of the free hand that had been given to Elgin: the Imperial Government should have asserted itself in a matter which affected the honour and dignity of the Crown.

'I am anxious to avoid identifying myself with any of the colonial parties, for nothing can be more opposed to the development of true liberty in the colony than that we should identify ourselves with parties there; but I cannot deny that my sympathies are with the men in Canada who think that those persons who took part in the rebellion ought not to be compensated. . . . I am not prepared, be the consequences what they may, to be a consenting party to advising the Crown . . . to assent to any Act of a Colonial Legislature which I believe to be essentially dishonourable to Imperial rights.'

His head perhaps was with Elgin, but his conscience was still Tory. He suggested that unless an assurance could be given that no rebel would be compensated under the Act, the Royal assent should be suspended so that the Legislature might amend it accordingly.³ Others were as willing to

¹ *The Times*, 16 and 17 May 1849.

² *Morning Chronicle*, 16 June 1849.

³ *Hansard*, Third Series, vol. cvi, pp. 191-224.

wound and less afraid to strike: Herries followed up Gladstone's speech with a motion committing the House to disapproval of the Act, and Disraeli supported the motion, ridiculing the idea that the continuance of responsible government in Canada was involved.¹ In the House of Lords, Brougham, Lyndhurst, and Stanley joined in denouncing the Act and the principle on which it had been accepted. Stanley harked back to his old idea that unless there were some check on the Canadian Assembly the Canadian constitution would be 'more absolutely and purely democratic, than is even the constitution of the United States'.² It is true that not only Radicals like Molesworth and Roebuck but Sir Robert Peel took a broader view. Peel claimed to be as sympathetic as any man with the loyalists of 1837.

'But at the same time, whilst I admire the fidelity with which this party has adhered to the British connexion, I cannot consent to our making ourselves partisans with regard to Canadian politics. . . . I cannot allow that feeling, warm and cordial as it is, to influence me to vote for a resolution which I believe would prove destructive of the principle of representative government in the colonies—which would constitute a precedent for interference in the affairs of possessions with whose local concerns we are but imperfectly acquainted, and which would cloud the prospect which I trusted was opening of a long, permanent and cordial connexion with a colony, in the welfare and prosperity of which England ought to feel the deepest interest.'³

Despite Peel's support, however, the main responsibility rested upon the Government.

Russell and Grey were equal to the occasion. They, like Elgin, had adopted frankly and unequivocally Lord Durham's view of government. Russell rightly maintained that the critics were taking a partisan view of the measure.

'I should be weakening the authority of this country and of the Imperial Parliament over Canada, and not assisting but impairing the honour of the Crown, if I were, by any distrust, by any direct mark of want of confidence, or what were still worse, by half-expressed suspicions, to deprive the Earl of Elgin of that support to which I think he is fairly entitled.'⁴

¹ *Hansard*, Third Series, vol. cvi, pp. 355-64.

² *Ibid.*, pp. 519-33.

⁴ *Ibid.*, pp. 225-42.

³ *Ibid.*, pp. 352-4.

By the large majority of 291 to 150 the House of Commons rejected Herries's motion and vindicated the right of Canada to substantial self-government. Grey in the House of Lords had a more difficult task, but he refused to be drawn into a discussion of the merits of the Bill except so far as to say that it did not follow that those who had in 1837 been betrayed into rebellion should all be regarded as for ever beyond the pale. The real issue, he asserted, was the issue of Canadian self-government.

'I have heard no explanations . . . how the interference of this House on the question could tend to facilitate that most difficult task—a task no less difficult than important to be accomplished—namely to reconcile the enjoyment by this great colony of that practical self-government and practical management of their own affairs, to which they had a right on the one hand, with the maintenance of the just authority of the Crown and the Mother Country on the other.'¹

Brougham's motion was defeated by 99 to 96 only, but it is none the less true to say that responsible government had emerged triumphantly from its first real test.

It had still to meet a challenge of another kind in Canada itself. The Montreal Conservatives, who had been so prominent in opposing the Rebellion Losses Bill, were in many cases the same persons who had suffered from acute commercial distress due in part at least to Imperial legislation. We have seen that they came to the conclusion that neither honour nor profit was to be found in the connexion with Great Britain, and that Canada should join the United States. In this movement they were aided by Papineau and the French irreconcilables. The Montreal annexation manifesto alluded not only to economic grievances, but also to the cumbrousness and expensiveness of the existing form of government, to the bitterness of party animosity, to the reference required to a distant authority, to the dangers the connexion brought of war with the United States. England, too, was clearly listening to those who thought the colonies a burden to be got rid of: 'the threatened withdrawal of her troops from other colonies—the continuance of her military protection to ourselves only on condition that we shall defray

¹ *Ibid.*, pp. 484-5.

the attendant expenditure, betoken intentions towards our country, against which it is weakness in us not to provide'.¹

Elgin had perceived that the issue must one day come up for decision. The new imperialism must meet and defeat this *reductio ad absurdum* of the old. It was in the first place essential that the Imperial Government should plainly dissociate itself from those who spoke of annexation as inevitable or even desirable. They were doing their best to remedy the economic grievances, and in answer to Elgin's request Grey wrote an outspoken dispatch condemning the movement and giving the lie to accusations of indifference to the future of the Empire.

'Her Majesty confidently relies on the loyalty of the great majority of her Canadian subjects, and she is therefore determined to exert all the authority which belongs to her, for the purpose of maintaining the connexion of Canada with this country, being persuaded that the permanence of that connexion is highly advantageous to both.'²

It was still more important that the people of Canada should show, as they did show, their entire satisfaction with the status they now enjoyed. It had been one of Elgin's objects throughout to convince the Canadians both of French and of British descent that they would not gain but lose by succumbing to the blandishments of American imperialism. He had outmanœuvred the annexationists.

'They are so completely without a political grievance which will bear the light that they are compelled to put forward the most vulgar and sordid reasons for the course they recommend—reasons which would never tempt a man to shed his blood, or to risk his fortune except as a speculation.'³

The contest between this master of political strategy and the disgruntled, leaderless annexationists was an unequal one. In Upper Canada the loyalty of the Radicals, the 'Clear Grits', was to some extent tainted; but George Brown in the *Globe* and Robert Baldwin in a letter to the Reform candidate for York gave a clear and unmistakable lead in support of the

¹ Montreal Annexation Manifesto: Egerton and Grant, *Canadian Constitutional Development*, pp. 336 ff.

² Grey to Elgin (9 January 1850): *P.P.*, 1850, xxxviii (Cmd. 1181), p. 24.

³ Elgin to Grey (17 December 1849): *Elgin-Grey Correspondence*: Bell and Morrell, *op. cit.*, pp. 356-9.

British connexion. Above all, the vast majority of the French were entirely unresponsive to the movement. Their main grievances had been taken away, and a Ministry which possessed their confidence was at present governing them without interference from the Imperial power. They were content to follow their leaders, and their leaders did not forget Elgin's loyal co-operation in the matter of the Rebellion Losses Bill. La Fontaine was as sound and firm as Baldwin.

By the spring of 1850 annexation was a lost cause, and the clergy reserves of Upper Canada were coming to be the question of the day. Indirectly this question also raised the issue of self-government, for at present the proceeds of the reserves were distributed among the different religious bodies under the authority of an Imperial Act. Sydenham had hoped that this settlement of a controversy which had long distracted Upper Canada would be final, but in 1844-6 Dr. Strachan, Bishop of Toronto, had with imprudent zeal endeavoured to secure through the Conservative Assembly modifications in the Act for the benefit of his Church. He had stirred up a hornet's nest. Dissatisfaction with the compromise of 1840 had been at best dormant in the province; and Brown in the *Globe* seized upon this golden opportunity for a raging, tearing propaganda for freeing religion from all connexion with the State and secularizing the reserves. Baldwin was all for peace and quiet, and La Fontaine was naturally out of sympathy with the agitation, but it was sweeping the western parts of the province from end to end and something had to be done. In the session of 1850 the Legislative Assembly passed by 46 to 23 an Address asking for the repeal of the Imperial Act so as to enable the Canadian Parliament to dispose of the reserves subject to the rights of present incumbents. 'I must', wrote Elgin, 'candidly say I very much doubt whether you will be able to preserve the Colony if you retain it on the Statute Book'.¹ Lord Grey as long ago as 1831 had been of opinion that the question was essentially a local one, and he informed Lord Elgin that he was perfectly ready to accede to the Address.² It was difficult,

¹ Elgin to Grey (5 July 1850): *Elgin-Grey Correspondence*: Morison, *The Eighth Earl of Elgin*, p. 125.

² Grey to Elgin (27 January 1851): *P.P.*, 1851, xxxvi (Cmd. 1306), p. 6.

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however, for a Ministry as weak as was the Whig Ministry in 1851 to incur the risk of antagonizing the Church, and there was no chance of carrying the Bill that year. Early in the next session, the Whigs were defeated. At once it became clear how much Elgin had depended on Grey's co-operation. Pakington expressed himself as willing to reconsider the existing distribution of the funds; but he viewed with doubt and hesitation a measure which would put it in the power of an accidental majority in Canada to divert these funds from their sacred object.¹ The Tory party were the party of the Church, but Hincks was then in London and did not despair of inducing them to change their view when they were made acquainted with the facts. He exposed the futility of the talk of 'accidental majorities': he warned the Government that there would be no end to agitation in Canada if an attempt were made to settle the question according to the public opinion not of Canada but of England: and he expressed grave apprehension of the prospect of a collision between the Imperial Government and the Parliament of Canada.² The Bishop of Toronto, however, had more weight in Downing Street than Elgin and his chief Minister. In the session of 1852 the Canadian Assembly renewed its Address, but Pakington remained firm. He had persuaded himself that the French, who had ample endowments of their own, had no right to a voice in the question, and that the majority in the English section desired to retain the Churches of a minority among them in this privileged position.³ It is fortunate that the exponent of this dangerous doctrine gave way shortly afterwards to the Duke of Newcastle, who took the same line as Lord Grey and passed in 1853, despite strong Tory opposition, an Act which conceded the Canadian demand.

Whilst the clergy reserves affair showed that Canada meant to make self-government a reality and to brook no denial of what she claimed as a right, it would be quite misleading to represent agitation as being the chief preoccupation of the Canadian community. It suited the book of Tories like Lord

¹ Pakington to Elgin (22 April 1852): *P.P.*, 1852-3, lxv (H.C. 85), p. 8.

² Hincks to Pakington (3 May 1852): Hincks, *Reminiscences of Public Life*, p. 287.

³ Draft Reply of Pakington to the Canadian Address (December 1852): Bell and Morrell, *op. cit.*, pp. 158-61.

Derby to speak as if this were so, for to them democracy meant demagoguery and nothing more. Lord Elgin, however, had set himself after 1849 to effect a reconciliation and to divert men's energies from barren party animosities to the great work of nation-building. The Baldwin-La Fontaine Ministry in its later and quieter days effected valuable reforms in education, in municipal organization, in the administration of justice; but in 1851 both Baldwin and La Fontaine retired, and Hincks became Premier. It was not that Whiggism was giving way to Radicalism, but that men of principle—doctrinaires if you like—were giving way to men whose interest lay less in principles than in practice. It was an era of railway construction and general economic development that was beginning, and the primary political need was moderation. 'With vexed questions solved and banished, there were not sufficient political planks to construct more than one party programme, and that was therefore really not partisan but national.'¹ It was in fact Elgin who set Canada upon the road of 'Liberal Conservatism'. The error of Sydenham had not lain in the emphasis he put upon political moderation and material progress, but in his belief that it was possible to treat as mere irrelevancies those political rights which a free people hold even dearer than material well-being—an error in which Peel and Stanley had followed him. It was, however, impossible in the long run to evade in this airy way the point of the Canadian demand. If guidance was given, on Canadians must lie the responsibility of accepting or rejecting it. To some extent, this was a fact to which Sydenham himself had to accommodate his policy; but it was better, as Elgin saw, frankly to admit it as a fact. In 1854, Elgin set the seal upon the work of the last five years by proving that he cared not whether Liberals or Conservatives were the principal instruments in the conduct of his Liberal-Conservative policy. Hincks fell: his group and the French joined J. A. Macdonald and MacNab in a Coalition Ministry. It was not merely that Elgin was admitting to office men who had been in violent personal opposition to himself: he had brought them to see the wisdom of his policy.

¹ Morison, *The Eighth Earl of Elgin*, p. 90. My indebtedness to this book is great.

Those leaders have agreed to take my Speech from the Throne as it stands, to carry an Address responsive to it, and to bring in measures to give effect to all the recommendations which it contains; thus furnishing on their part the most conclusive proof that the policy which I had sketched out while acting with the former administration was the only policy suited to the wants and circumstances of the province.'¹

The guiding hand of Elgin was soon withdrawn, and even he would have been hard put to it to counter the agitation of George Brown, which caused the machinery to creak and strain and the need for federation to become patent. The breakdown of the machinery of Union was however no condemnation of the system of responsible government. It was responsible government that made federation possible and gave it its chief value as an expression of Canadian nationality.

The policy we have been discussing was of course Elgin's policy rather than that of any Imperial Government. The supreme merit of the Canadian policy of the Russell Ministry lay in the support which they, and in particular Lord Grey, consistently gave to the great Governor-General. As early as 1848 they had come to realize that this momentous experiment could be in no better hands. 'It is a great comfort not only to myself but to my colleagues', wrote Grey in a striking tribute, 'to be satisfied that if it fails in your hands failure must have been inevitable, as I have no doubt that you have played this great game as well as it could be played and that the principles upon which you have acted are not only the right ones but have been most judiciously applied.'² These relations of confidence did not diminish with time. The value that Elgin attached to them is shown not only by the warmth of his tribute to Grey when the Whigs went out of office, but by the insecurity which he felt under the Derby Government and his not ill-grounded fear that he might be recalled and the success of his work imperilled.³ If the heaviest burden in the difficult task of accustoming Canada and Britain to responsible government fell, in the natural order of things, to the Governor-General, it was no slight

¹ Elgin to Sir G. Grey (15 September 1854) (Private): quoted by Morison, *The Eighth Earl of Elgin*, p. 140.

² Grey to Elgin (22 March 1848): *Elgin-Grey Correspondence*.

³ See Morison, *The Eighth Earl of Elgin*, pp. 120-1, 127-32.

thing that in Downing Street the Secretary of State who had chosen Lord Elgin, who had settled in consultation with him the main lines of policy he was to follow in Canada, should be ever ready to trust him and to defend him and his principles of government against abuse and misrepresentation at home.

Responsible government was no mere concession to the peculiar position of Canada or the persuasive arguments of Lord Elgin. In Nova Scotia, as in Canada, the theory of government since 1840 had been to rule in accordance with the 'well understood wishes of the people'; but we have seen that in practice Lord Falkland's Government had since 1843 consisted of one party—the party opposed to full responsible government. In 1846 Lord Falkland left Nova Scotia, and Sir John Harvey came from Newfoundland to succeed him. Harvey saw the absurdity of the situation, but he put it down mainly to the personal animosities of Howe and Falkland, and was confident that the methods he had tried in New Brunswick and Newfoundland would again succeed, and that the difficulties could be removed by conciliatory government.

'I do not seek to conceal from your Lordship that I have hitherto regarded what is denominated responsible or party government as peculiarly inapplicable to the condition of a small colony, if not inconsistent with its proper relations with the parent State, by its direct tendency to array one class of Her Majesty's subjects against another, by its recognizing separate interests and thereby seeking to create elements of strife which need not and do not exist and thus to produce and to perpetuate agitation and render repose impossible.'¹

This view of a colony as a happy family leading a quiet domestic life is very delightful, but Harvey did not know his Howe. Howe was by nature a maker of parties and those that were not with him were against him. He for his part knew his Johnston, had had one experience of coalition with him: there would be no more coalitions in Nova Scotia while Howe and Johnston were both in active political life. Fortunately Grey appreciated the situation, and indeed through Charles Buller he may well have been acquainted with the views of

¹ Harvey to Grey (15 September 1846) (Private and Confidential): CO 217/193.

Howe.¹ There were vacancies in the Executive Council: good. Let Sir John Harvey call upon the present members to recommend gentlemen to fill these seats: if they could not, let him call upon the opposite party. By all means let him refrain from identifying himself with any one party, but let him perform his functions as a mediator within the framework of the party system, and not try to do without it. His duty was to give all fair and proper support to his Council for the time being, whilst refusing assent to any measures involving an improper exercise of the authority of the Crown for party rather than public objects; and even in this he must rely upon influence rather than upon authority.

'You must recollect that this power of opposing a check upon extreme measures proposed by the party for the time in the Government, depends entirely for its efficiency upon its being used sparingly, and with the greatest possible discretion.'

His ministers might, and very likely would, resign on his refusal to accept their advice, and public opinion might support them.

'Should it prove to be so, concession to their views must, sooner or later, become inevitable, since it cannot be too distinctly acknowledged that it is neither possible nor desirable to carry on the government of any of the British provinces in North America in opposition to the opinion of the inhabitants.'²

This dispatch was penned before ever Elgin left for Canada, and when it arrived in Nova Scotia the British Empire was committed to the experiment of responsible government.

Yet curiously enough it did not immediately decide the point at issue. Harvey, in calling upon his Council to offer suggestions for the filling of the vacancies, so worded his request as to make it clear that he desired them to be filled from the Opposition.³ He only revealed to them extracts from the dispatch, and Grey complained that in direct contradiction to the facts they were being misled into the belief that he was opposed to party government.⁴ However the

¹ Chester Martin in *Canadian Historical Review*, vol. vi, No. 4.

² Grey to Harvey (3 November 1846) (Private and Confidential): Kennedy, *Documents of the Canadian Constitution*, pp. 570 ff.

³ Harvey to Grey (2 December 1846) (Private and Confidential): CO 217/193.

⁴ Grey to Harvey (23 December 1846) (Private and Confidential): CO 218/34.

man in Downing Street had judged rightly, and the man on the spot had been wrong. Neither side was willing to enter into a coalition; and indeed Buller had dropped a hint to Howe as to the tenor of Grey's dispatch. Harvey still hoped against hope: he did not think that the finances of Nova Scotia could stand the transition to responsible government, and he sent home a very able paper from Johnston arguing that in an undeveloped, democratic society like that of Nova Scotia the Provincial Secretary and Treasurer ought to be civil servants and ought not to be dragged out of their offices to attend to the administrative and legislative duties devolving on a member of the Government and exposed to the influences and temptations of elections.¹ Lord Grey admitted that these arguments had weight, but did not shift his ground.

'While I regret your want of success in efforts prompted by your anxiety for the efficiency of the public service, I must add I am not surprised at the result. The experience of free countries shows that it but rarely happens that that coalition of rival interests which often appears the easiest solution of many political difficulties can be arranged to the honour and satisfaction of those who are included in it, or can form any permanent foundation for an efficient government. And however injurious party animosities may often be to those small communities which can ill afford the exclusion from their affairs of any of the practical ability which is contained within their limits, experience has taught that those animosities exhibit themselves at least as keenly in small as in large societies; and that the public necessities are as little effectual there as elsewhere in inducing those who are separated by personal and political repugnancies to unite their counsels for the common good.'²

The Sydenham system had in fact broken down because it asked too much of human nature. Grey agreed, however, that it was important not to carry the principle of making public officers party men further than was absolutely necessary to place the direction of provincial affairs in the hands of those possessing the confidence of the Provincial Parliament. It might probably be sufficient if the offices of Attorney-General and Provincial Secretary, and perhaps of Solicitor-General also, were made political. Adequate pensions should

¹ Memoranda (28 and 30 January) in Harvey to Grey (2 February 1847): *P.P.*, 1847-8, xlii (H.C. 621), pp. 17-22.

² Grey to Harvey (2 March 1847): CO 218/34.

be provided for those who might be displaced. Other officers should not be members of the Legislature, but salaries might be assigned to two or three Executive Councillors as such.¹

On 5 August 1847 the Nova Scotia Liberals were victorious at the polls. The Conservative Executive put off the evil day as long as possible, but when the Assembly met at last in January 1848 they were beaten on a vote of want of confidence by 29 to 22 and forthwith resigned. It then became the duty of the Lieutenant-Governor to act upon Lord Grey's instructions. Sir Rupert George, who had been for 35 years Provincial Secretary and Clerk of the Council, resisted to the last, and finally had to be removed from office, but within a fortnight Howe and his friends were in the saddle. 'I trust,' wrote Grey, 'that the system of responsible government, of which they so justly appreciate and apply the principles, may now be regarded as established in Nova Scotia.'²

Party feeling had run high, and Nova Scotia did not immediately settle down to the new state of things. Grey objected to the Civil List Act of 1848, as unfair to the judges, and to another Act which abolished without compensation the office of Treasurer, to which Mr. Fairbanks had been appointed in the height of the party controversy in 1845. Of the first Act he secured an amendment: on the second the Executive declined to modify their views. They gained their point also in the matter of a new and radically revised Commission of the Peace. Yet, when attacked by Lord Stanley on the ground that he was allowing the authority of the Crown to be whittled away, Lord Grey did not shrink from defending his surrender.

'If the Governor will assent to no laws, save those which, in his judgment, are sound and irreprehensible—if, on the other hand, the Assembly insists on always having its views carried out—if the Secretary of State for the Colonies is to consider merely what he thinks the best measures to be adopted—paying no attention to what the colonial public desire . . . then, undoubtedly, my Lords, such a system of government cannot work. But if, acting upon a different

¹ Grey to Harvey (31 March 1847): Kennedy, *Documents of the Canadian Constitution*, pp. 573 ff.

² Grey to Harvey (7 March 1848): CO 218/34.

principle, the power of the Crown be used, not resolutely to resist and oppose, but judiciously to check and guide the public opinion of the colonies into proper channels, to lead and not to drive it—then I do say that the system may work with immense advantage to the interests of all parties . . . I scruple not to say, that our North American colonies have arrived at such a stage in their growth that public opinion in the colonies themselves will and must be the supreme power to decide upon laws affecting their own internal interests . . . I am not aware that any great political party in this country would be able to say that it has at all times, when in possession of power, and in the heat of party contest, exercised the authority temporarily committed to its care within the exact line of moderation and prudence. . . . If such be the case in this country, then ought we not to make some allowance for what may take place in the colonies, where . . . political contests are apt to be carried on with so much greater acrimony and eagerness?’¹

He was, in short, ready to apply against himself the doctrines of his dispatches, and these preliminary difficulties were far from convincing him that the concession to Nova Scotia had been unwise. Soon, indeed, all parties came to accept responsible government in Nova Scotia as a matter of course. Sir John Harvey found that it improved on acquaintance. References to the Colonial Office decreased; ordinary business was more rapidly and satisfactorily dispatched; the tone of political life was raised; and public attention was diverted, with good results, to the more practical question of the development of provincial resources.² Howe himself began to divert to railways the energies that for so many years had been spent in securing for his beloved province the blessings of self-government.

The tide did not cease to flow on the borders of Nova Scotia. The publication in 1848 of Lord Grey’s dispatches to Sir John Harvey produced an immediate effect in New Brunswick. In February the House of Assembly adopted a resolution in favour of the principle of responsible government, and in May the new Lieutenant-Governor, Sir Edmund Head, reconstructed his Council accordingly, and admitted the leading advocates of responsible government, L. A. Wilmot and Charles Fisher. But whereas in Nova

¹ House of Lords, 26 March 1849: *Hansard*, Third Series, vol. ciii, pp. 1274–84.

² Harvey to Grey (31 October 1849): *P.P.*, 1849, xxxiv (Cmd. 1126), p. 51.

Scotia there had in effect been parties grouped around Howe and Johnston before there was party government, in New Brunswick there was party government in name before there were organized parties, and it was some years before the system was in full and successful operation. In 1850, in order as it appears to provide themselves with an election cry, the Executive proposed to reduce the salaries of the judges and of the Lieutenant-Governor. The fact was, Head complained, that there was no sense of financial responsibility. Despite the efforts of successive Lieutenant-Governors and Secretaries of State, the initiation of money votes was not yet reserved to the Executive.

‘Without this change responsible government is a mockery. How can any government say what measures they wish to introduce or hope to carry out when, for anything they know, the money voted for other purposes may far exceed the revenue? How can they originate any useful measure with confidence and satisfaction, and what is the value of economy, when any surplus may be thus voted away in a single session, and no man can say what funds there are likely to be in the Treasury to meet the expenditure?’

As if this were not enough, there were also the difficulties of distance which had arisen as soon as the management of affairs was withdrawn from the permanent officials in the capital. Only the three political officers and one other Councillor resided at Fredericton.

‘It must be worth the while of competent men to attend to the business of the public rather than to their own affairs, and to be ready at any moment to assist the Lieutenant-Governor with their advice and countenance. . . . When the Council have met they remain together perhaps two days, but the unpaid members who come from a distance are always in a hurry to return home, and there is the greatest difficulty in securing full and fair discussion of any complicated business. . . . An exact counterpart of the English system of Parliamentary Government is perhaps scarcely possible in a community of 200,000 people, separated by long tracts of wilderness and forest.’¹

Were the Assembly ready in the circumstances to make some allowances? They were not. Early in 1851 there was an indecisive meeting of the Executive Council on the

¹ Head to Grey (6 November 1850): Bell and Morrell, *op. cit.*, pp. 133–6.

subject of the vacant Chief Justiceship. Head lost patience and recommended that one of the puisne judges be promoted and that Wilmot, then Attorney-General, be raised to the Bench; and Grey made the appointments. Two of the members of the Council resigned and five others registered a protest. The sacred principle had been infringed. Head refused to take the blame upon his shoulders: instead, he maintained vigorously that he could not be expected to act by the advice of his Council unless the Council were given effective power as well as nominal responsibility and were at hand to advise him as necessity arose.¹ The Assembly, however, cast the responsibility for all that had happened upon the Lieutenant-Governor: not they but Sir E. Head and Lord Grey had been acting inconsistently with the principles of responsible government. Head took the censure calmly, ascribing it to the fact that the Executive Council were unpopular and had saved themselves at the expense of the Lieutenant-Governor and the Secretary of State.² In August 1851 two Liberals accepted seats in the Executive, despite the protests of the more radical members of their party; in its new form it survived until 1854; and, as Head had predicted, nothing more was heard of the resolutions of protest. When the Liberals came into power in 1854 responsible government began to work in the ordinary way. What is the moral to be drawn from these events? It is that the Imperial Government were at the old game of interference? Surely not. Why should they differentiate between Nova Scotia and New Brunswick? The moral is that responsible government could not be expected to work smoothly until there were responsible politicians to work it.

Before Lord Grey retired from office responsible government was also in operation in the little colony of Prince Edward Island. There the old system that had existed before Lord Durham's Report was still in force in 1846. 'The Councillors,' wrote Elgin in 1847, 'hold office under a tenure which is virtually one of good behaviour, being independent of the Assembly, in which many of them do not even sit, and

¹ Head to Grey (10 February 1851): Enclosure: CO 188/114.

² Head to Grey (10 May 1851) (Separate and Confidential): *ibid.* One of the grievances was the bounty on hemp: see above, pp. 220-1.

removable by the Governor as a general rule only on charges laid before their colleagues.¹ In practice the colony was virtually ruled by a small Charlottetown clique. This system was satisfactory neither to the House of Assembly nor to the Lieutenant-Governor. The complaint of the Lieutenant-Governor was that the members of the Council openly condemned his own actions in the Legislature. The Assembly, for their part, asked for the Sydenham system. They were told by Gladstone that it was unsuitable to the circumstances of the colony—particularly in view of the Parliamentary grant of £3,000 which had been voted every year since 1776.² In 1847 the request was renewed, and Grey referred it to Elgin, who reported that the existing system must be changed but that it might be best if executive functions were exercised by the Lieutenant-Governor personally. With this report Lord Grey agreed, and at the close of 1847 Sir D. Campbell went out as Lieutenant-Governor with instructions if possible to carry the change into effect.

The question was whether the Assembly would rest satisfied with anything short of responsible government. Grey had told Campbell that he had no insuperable objection to it;³ but there was certainly something to be said on the other side. Campbell considered it unfitted for a society in which there were so few individuals, outside Charlottetown, of property, education, or intelligence; and there was the additional difficulty that it meant handing over the absentee landowners of the island to the mercy of their tenants.⁴ In Prince Edward Island everything hinged upon this delicate question. Grey earnestly endeavoured to persuade the Assembly that all the practical advantages of responsible government would be secured if Sir D. Campbell's policy were honestly and faithfully carried out. He pointed out that the performance of executive duties by members of the Legislature was generally prohibited by the constitutions of the States of the American Union, in which popular government was supposed to be carried to the utmost extreme, and

¹ Elgin to Grey (25 September 1847): CO 226/71.

² Gladstone to Huntley (28 May 1846): CO 227/9.

³ Grey to Campbell (27 March 1848): CO 226/78.

⁴ Campbell to Grey (1 June 1848) (Confidential): CO 226/73.

expressed the opinion that a Colonial Governor was at least as much under the control of public opinion as the Governor of an American State. As for the Imperial Government, it had no interest in rendering the administration of the affairs of a colony unacceptable to the colonists.¹ Grey's persuasions were in vain. The leaders of the Assembly refused Sir D. Campbell's provisional offer of three seats in the Executive Council, and, as a gentle hint of what their wishes were, stopped supplies and petitioned the Queen and the House of Commons. Campbell realized that, land question or no land question, concession could be delayed no longer.

'That under the new system bills affecting this question will pass both Houses so inconsistent with the rights of property as to call for Her Majesty's disallowance I think highly probable, yet it appears to me it would be unwise openly to anticipate such objectionable proceedings. Measures of this description must, I think, in future be met and dealt with as they arise.'²

This was indeed now the only statesmanlike course, and when Sir A. Bannerman went out to succeed Sir D. Campbell, who died in October 1850, he was informed that the Imperial Government had no desire to resist the general and deliberate wish of the community and would concede responsible government.³ In the course of 1851 the new system came into operation.

Of the North American colonies only Newfoundland remained. Its old bicameral constitution was restored in 1847, but for the time being there was little interest in the subject of responsible government. In 1849, however, the Assembly warned future appointees to offices regarded in the neighbouring colonies as political that their tenure was liable to change⁴—a precautionary measure which Lord Grey applauded—and in 1851 an Address to the Queen asking for responsible government was at last carried. The demand was being made by the Roman Catholics, and we may conjecture

¹ Grey to Campbell (2 October 1849) (Confidential): CO 226/78.

² Campbell to Grey (28 March 1850) (Confidential): *ibid.*

³ Grey to Bannerman (31 January 1851): CO 227/10. Extracts printed in Bell and Morrell, *op. cit.*, pp. 136-7.

⁴ Le Marchant to Grey (10 April 1849): Enclosure: CO 194/131.

that it was perhaps not unconnected with the cessation on the death of their Bishop of the Government grant of £300 towards his salary, and indeed with the Ecclesiastical Titles Bill in England. Was the mere demand sufficient reason for the concession? Lord Grey and the Governor, Sir Gaspard Le Marchant, thought not. The Address had been carried in a thin House, at the end of a protracted session. Quite apart from this, was a House of Assembly of only fifteen members a fit body to work the responsible system? And were there sufficient men of intelligence, property, and leisure, outside St. John's itself, for it to be possible to enlarge the numbers of the House? According to Le Marchant, the fishermen were the only permanent residents in the island, the aim of the merchants being simply to make enough money to retire to the Mother Country. Were the finances of the colony equal to the necessary provision for pensions and for charges incidental to the maintenance of order? Grey decided against responsible government, and once again argued that it was not the only system which enabled a colony to exercise real control over the administration of its affairs.¹ There seems reason to believe that the bulk of the Protestant community, remembering doubtless the disorders of the 'thirties, was quite content with this dispatch: the business and professional men of St. John's declared responsible government to be inapplicable to the circumstances of the colony.² The House of Assembly, however, expressed 'surprise and regret' at Lord Grey's decision. A petition to Her Majesty was conveniently placed outside the Roman Catholic Cathedral on Sunday morning, and obtained a considerable number of signatures. Though Sir John Pakington returned the same answer as Lord Grey, it was in fact impossible for the Imperial Government to resist continuous pressure. In 1854 the principle was conceded, and next year, after the passage of a satisfactory Representation Bill and the grant of the usual pensions to retiring officers, responsible government came into full operation in Newfoundland.

One after another the colonies of North America had followed the Canadian lead: each created a precedent for the

¹ Grey to Le Marchant (13 December 1851): CO 195/21.

² Le Marchant to Grey (26 February 1852) and Enclosures: CO 194/136.

next, and once the principle had been conceded in Nova Scotia, permanent resistance in any of the smaller colonies became impossible. Lord Grey was fully aware of this fact. The greatness of Joseph Howe made Nova Scotia in a sense a special case, and in general Lord Grey clearly regarded the system as none too well suited to the smaller colonies, but if they themselves refused to admit the force of his objections he could not and did not persist in them. They must learn by experience, but where there was no Imperial interest involved—and in North America he admitted there was none—there was no reason why they should not be left to learn. Otherwise it was useless to talk of governing in accordance with the ‘well understood wishes’ of the people. Lord Grey was right. Party feeling is apt to run high in small communities, and it was well that responsible government in the separate colonies of North America should in due course give way to federal union. But though there may be systems better fitted than the party system to the needs of small communities, to them must be left the choice; and, with the whole English tradition and the experience of the North American colonies behind them, it was tolerably certain now that every British colony with a colourable claim would demand, and in time obtain, responsible government, and work it through the party system. When Lord Grey took office the end of the road was not yet in sight: the British Empire had not turned the corner. If Lord Grey’s position soon seemed very conservative, it must not be forgotten that the essential concession—the concession of principle—had been made by him.

XIX

LORD GREY AND THE COLONIAL REFORMERS

THE accession of Lord Grey to office in 1846 was felt, as has already been said, to be a triumph for Colonial Reform; and the wide range of his measures in his first year of office seemed to justify the hopes of the reformers. 'There are,' said *The Times* early in 1847, 'a stir and movement about the Colonial Office indicative of great events.'¹ Responsible government conceded to Canada and Nova Scotia; a new constitution bestowed upon New Zealand and projected for the Australian colonies and the Cape; a comprehensive plan of colonization sent out with Lord Elgin to Canada; the New Zealand Company revived; transportation in its old form abandoned; the colonies empowered to abolish the preferential duties imposed by the Possessions Acts—surely the list of measures was long enough to satisfy the most ardent disciple of Colonial Reform. But the effect of these measures was not commensurate with the expectations that they had excited. The political concessions to the North American colonies—the most far-reaching of all—were not made public until 1848, when they had taken full effect. When the Canadian Liberals were on the eve of success *The Spectator* could accuse Lord Elgin of having 'so managed as to make them believe that he resorted to a general election for the purpose of diminishing their minority, and with an anxious individual wish for their defeat'.² The economic grievances of the West Indies, which after the crisis in the autumn of 1847 forced themselves on public notice—the stubborn opposition of the judges to the plan for the abolition of transportation—the miscarriage of the New Zealand Constitution Act—the defeat of the ambitious schemes of systematic colonization—impressed opinion rather with the shortcomings of Lord Grey's policy. Grey's own views began to change on some points, and on others experience awoke disturbing doubts. 'It is mortifying to the last

¹ *The Times*, 27 January 1847.

² *The Spectator*, 19 February 1848. A Canadian Liberal (Hincks?) defended Lord Elgin in the issue of 4 March.

degree,' he wrote to Buller as early as 23 February 1847, 'but I am beginning to come to the conclusion that I can do nothing to promote "systematic colonization". There is not a farthing to be had from the Treasury, and without some money to start with very little seems possible.'¹ The difficulties of day-to-day administration, many of them the necessary consequences of an active policy, seemed steadily to increase. We find Grey in 1848 still persevering with plans for colonizing North America, for reorganizing the transportation system, and for reforming the constitutions of Australia; he never loses faith in self-government, still less in free trade; but something of the initial *élan* has disappeared. By 1848, in short, Lord Grey was already beginning to lose his reputation as a Colonial Reformer.

Yet Colonial Reform was if anything more in favour with the public in 1848 than it had ever been. In particular there was in that year, it seems clear, a widespread revival of interest in colonization. The panic-stricken exodus from Ireland, the commercial distress and unemployment in England, the insecurity engendered by the revolutions on the Continent of Europe, would in themselves be sufficient to account for the phenomenon. Certain it is that *The Times*, which was both influential and on the whole friendly to the Government, recurs again and again to the subject of colonization and calls for a comprehensive scheme. The *Morning Chronicle* and *The Spectator* were equally insistent and less friendly. They not only advocated colonization but complained that its principles were not understood and that 'the first pre-requisite for extended colonization is a reform of colonial government'.

'England glories in the epithet of *magna virum mater*. . . . But it is impossible not to connect with this feeling of natural exultation one of sorrow and shame, at the thought that the vast expansion of the Anglo-Saxon race is accompanied neither by a corresponding love of the Mother Country, nor by a perpetuation of her political and social peculiarities. . . . The Anglo-Saxon part of the world bids fair to be American, not English, in habits, institutions, and traditions.'²

The old aim of Wakefield, to reproduce in the colonies the society of the Mother Country, was perhaps more popular

¹ *Howick Papers*.

² *Morning Chronicle*, 24 April 1848.

than ever. The writer of the articles in the *Morning Chronicle* was Godley, a notable recruit for the small band of Colonial Reformers;¹ but Wakefield himself had recovered from his breakdown of August 1846, and had begun to abuse the Colonial Office as of old in the columns of *The Spectator*.² Wakefield and his allies, in short, were dissatisfied with the state of the colonies; they belittled what Lord Grey had done, even in North America, where they spoke of the concessions as 'forced' and of the constitutional system as 'too democratic';³ and they harked back, rather incongruously, to the precedents of the old American colonies.⁴

One of the fruits of this renewed interest in colonization and colonial reform was the organization of the Canterbury Association. Canterbury was to be the model colony of the Colonial Reformers. Another of the fruits, characteristically shaped so as to tempt the Cobdenites into alliance with the Colonial Reformers, was the motion of Sir William Molesworth on 25 July 1848:

'that it is the opinion of this House that the colonial expenditure of the British Empire demands inquiry, with a view to its reduction; and that to accomplish this reduction, and to secure greater contentment and prosperity to the colonists, they ought to be invested with large powers for the administration of their own affairs.'⁵

The military force in the colonies, said Molesworth, was over 42,000 men, and at least one-third of the ships on foreign stations—45 ships with a complement of about 8,000 men—could be reckoned as being maintained on their account. Yet most of the military stations were so far removed from the centre of the Empire that in time of war they would be sources of weakness and not of strength. The Cape should be left to defend its own frontier: Ceylon should be transferred to the East India Company: the Falkland Islands, where a colony had been established in 1841, and the West African stations should be abandoned: and the establishments in

¹ *Writings and Speeches of John Robert Godley* (ed. FitzGerald), p. 7. The *Morning Chronicle*, which had been a Whig organ, was acquired by Lord Lincoln and Sidney Herbert early in 1848.

² See Wakefield to Rintoul (1 May 1848): *The Founders of Canterbury*, pp. 26–7.

³ *Morning Chronicle*, 28 April 1848.

⁴ *Ibid.*, 26 April 1848.

⁵ Molesworth was out of the House of Commons from 1841 to 1845: hence his silence on Colonial Reform.

most of the other colonies could safely be reduced. 'They might cost us next to nothing if we gave them complete control over their own affairs, on condition that they should pay their own expenses.' The task the Colonial Office undertook to perform was an impossible task. It was frequently well-intentioned; but it was weak, it was ignorant, it was constantly swayed this way and that by contradictory influences, so that its schemes invariably ended in failure.

'Witness the economical condition of the West Indies, the frontier relations of the Cape of Good Hope, the immoral state of Van Diemen's Land and the pseudo-systematic colonization and revoked constitution of New Zealand. . . . Even the Canadas are not content, though they have responsible government; . . . every now and then the Colonial Office contrives to produce irritation by stupid interference in some question of minor importance, such as the regulations of a banking bill or the amount of a petty salary.'

Of the Governors and other functionaries sent out to the colonies Molesworth complained still more. All these ills, he said, could be cured by the application of one simple remedy—government on the spot.¹

It could not be said with truth that the Government were indifferent on the subject of defence expenditure in the colonies. 'I have always thought,' wrote Russell to Grey in 1846, 'that the British colonies should provide militia for their own defence, and pay for the construction of fortifications.'² They not only held these views: they lost no time in acting on them. Of all the colonies, those on the mainland of Australia were the most secure. They had not suffered from the commercial legislation of 1846. There was no longer a large convict establishment requiring a military guard: the troops, except those at Sydney, had merely been doing police duty. Accordingly in November 1846 Sir Charles FitzRoy was instructed to send nine hundred men to New Zealand. Two regiments were brought back from the West Indies, also, in 1846, and two from Canada in 1847. In New Zealand and at the Cape reduction was a more difficult proposition, but there too it was kept in view. An attempt was, however, made to mitigate it by settlements of military

¹ Egerton, *Selected Speeches of Sir William Molesworth*, pp. 154-215.

² Russell to Grey (13 November 1846): *Howick Papers*.

pensioners, who would, it was hoped, be available for productive employment as well as for defence. The men were to be of good character and not too old: they were to be located in villages under the control of their officers, and were to relieve the regular forces of mere garrison duty.¹ At the Cape there was, of course, war until 1848. Financial mismanagement, unauthorized expense, and speculation had been rife;² and Grey distinctly warned the colonists 'not to expect that any new war of the same kind can be carried on at the cost of this country'.³ In the new Orange River Sovereignty it was to be understood that the settlers must defend themselves. In principle, therefore, there was no very wide divergence on this matter between the Government and Molesworth and the Cobdenites.

But it was not the easiest thing in the world to carry out such a policy. FitzRoy in New South Wales obeyed his orders with reluctance, and the Legislative Council protested against the unequal amount of protection to be given to New Zealand. 'Considering its origin,' they declared, 'the colony has a claim upon the Home Government for keeping up a considerable number of troops here.'⁴ In the case of Canada Lord John Russell himself was a little alarmed at his own policy.

'People argue, and you among others,' he wrote to Grey, 'as if a million and a half of people were like one man, who wished for British rule, or were against it. But the truth is that if a million are for British and half a million for American connexion, the half million will soon get the majority on their side if they are active, combined, and zealous, while the opposite party are discouraged by the apathy, coldness, and indifference of the Home Government. Whereas if the Home Government show themselves friendly and determined, the half million may in a short time be reduced to 100,000.'⁵

¹ Memo. of Lord Grey (28 October 1846): *Howick Papers*. It is commonly said that the pensioner settlements in New Zealand were a failure, as those in South Africa certainly were; but as money *was* saved, and the families of the pensioners were absorbed into the colonial community, the ridicule so often poured upon them seems hardly justified. Sir George Grey always maintained that they were successful and tried to repeat the experiment in South Africa on a larger scale after the Crimean War.

² Pottinger to Grey (20 October 1847): CO 48/276.

³ Grey to Smith (31 March 1848): *P.P.*, 1847-8, xliii (Cmd. 969), p. 30.

⁴ FitzRoy to Grey (18 December 1847): *P.P.*, 1851, xxxv (H.C. 123), p. 4.

⁵ Russell to Grey (16 March 1848): *Howick Papers*.

And on the whole Elgin agreed with Russell that, however strong the arguments for the policy, it must be carried out with much caution.

'When you say to any other colony "England declines to be longer at the expense of protecting you", you at once reveal to it the extent of its dependence and the value of Imperial support. But it is not so here. Withdraw your protection from Canada, and she has it in her power to obtain the security against aggression enjoyed by Michigan or Maine. . . . The present is not a favourable moment for experiments. British statesmen, even Secretaries of State, have got into the habit lately of talking of the maintenance of the connexion between Great Britain and Canada with so much indifference that a change of system in respect of military defence, incautiously carried out, might be presumed by many to argue, on the part of the Mother Country, a disposition to prepare the way for separation.'¹

Grey, in reply, admitted the distinction 'between what *ought* in reason to be the arrangement and what *can* be so'.² Oddly enough it was in the colonies which were in the future to give most trouble—New Zealand and the Cape—that the local authorities for the moment found least fault with the policy. In any case, though Molesworth's motion was not opposed by Government, the real problems, and the real differences of opinion as to their solution, were merely concealed by his sweeping assertion of general principles.

Molesworth had ignored what Grey had already done to extend self-government in Canada and the steps that he was taking to extend it in Australia and at the Cape. He had ignored the responsibility of public opinion and Parliament itself for some of the facts—the state of Van Diemen's Land and of the West Indies, for example—of which he most complained. He had been unfair to the Colonial Office, talking as if the Office could be abolished by a stroke of the pen and as if the forty-three British colonies, with all their diversities of race and circumstance, were one and all fitted for the same system of government, forgetting that speeches such as his were in themselves an answer to the charge that the Office was an irresponsible despotism. But he had

¹ Elgin to Grey (26 April 1848): Walrond, *Letters and Journals of Lord Elgin*, pp. 130-2.

² Grey to Elgin (18 May 1848): *Elgin-Grey Correspondence*.

refrained from attacking Lord Grey in person. In the Parliamentary recess of 1848-9, however, the breach between Grey and the Colonial Reformers was widened beyond hope of repair by two events—the sudden death of Charles Buller and the appearance of Wakefield's *Art of Colonization*.

With the death of Buller in November Wakefield felt his hands were free, and his book was not only a re-statement of the Wakefield doctrines of Colonial Reform but a bitter heresy hunt against Lord Grey. He describes an interview he had with Lord Grey at Buller's house in 1846 upon New Zealand affairs. 'He listened to me with impatience, would scarcely let me complete a single sentence, and addressing himself to Mr. Buller rather than to me, talked in angry and contemptuous terms of the principal suggestions contained in my letter to Mr. Gladstone.'¹ 'The new Minister,' he says in another place, 'was not in office a month before he embraced views of colonial policy opposite to those which he had previously entertained, and which Mr. Buller continued to hold . . . Precluded by his subordinate position in the Government from taking a course of his own in Parliament, and supposed to be in close agreement with Lord Grey, he was held responsible for measures, and for neglect, of which he cordially disapproved.'²

Out of sheer jealousy, Wakefield suggests, Grey had thrown over the Wakefield theory altogether. 'My statement is, that the theory has never had anything like a fair trial anywhere; that the professed trials of it have been something not only different from it, but utterly at variance with it in reality, though some likeness has been kept up by professions and forms of words.'³ The high price in New South Wales, and even the lower price in Canada, after the reckless profusion of the earlier free grants, were merely stupid; the high price in South Australia, Australia Felix (Port Phillip), and New Zealand did not prevent labour from being extremely scarce, and was therefore in fact too low.⁴ Then there was 'the auction nuisance'—which was duly fathered upon Lord Grey. The selection and conveyance of poor emigrants at the cost of the land fund had perhaps been

¹ *View of the Art of Colonization* (ed. Collier), pp. 33-4.

² *Ibid.*, p. 454.

³ *Ibid.*, p. 25.

⁴ *Ibid.*, pp. 339-41.

less disappointing in its results: but Lord Grey was quite content to see a 'spontaneous scramble' go on to North America.¹ Lord Grey bragged about the new principle of colonization in Australia and claimed all the merit for the Colonial Office and himself, but his incompetence—'with more than a common talent for understanding principles, he has no originality of thought and no power of working out theory in practice'—had made him 'in private and in truth as bitter a foe as was ever renegade to the faith he had deserted'.² As for colonial government, like colonization, it was the very reverse of what it should be. Colonial party politics with their 'noisy, low-lived, spouting, half-educated, violent and unscrupulous politicians' were factious, violent, democratic: 'a colonist who meddles with public matters should have a skin of impenetrable thickness.'³ Colonial bureaucracies, which were largely responsible for this democracy of the Opposition, lacked property, manners, integrity: unequal to the work of colonization themselves, they were further hampered by red tape from Downing Street. Colonial appointments were a refuge for incompetency; colonial instructions were either mischievous or inoperative, indeed 'not intended for effect save in a blue book'; colonial laws were ignorantly interfered with. The system bred nothing but intrigue, hypocrisy, and faction; it benumbed enterprise; it forbade creative legislation. And Lord Grey personified the system.

Only think what a good system, the Wakefield system in fact, might make of the colonies!

'My fancy pictures a sort and amount of colonization that would amply repay its cost, by providing happily for our redundant people; by improving the state of those who remained at home; by supplying us largely with food and the raw materials of manufacture; and by gratifying our best feelings of national pride, through the extension over unoccupied parts of the earth of a nationality truly British in language, religion, laws, and attachment to the Empire.'⁴

Wakefield emphasizes the importance of sending out colonists, as the ancients had done, from all ranks of the parent state, so as to raise the social tone of the colonies, and the value of religion in colonization, making the colonies

¹ Ibid., pp. 414-15.

³ Ibid., pp. 185-90.

² Ibid., pp. 36, 248, 444.

⁴ Ibid., p. 7.

attractive, as it did, to the higher ranks of society and in particular to women. He denies that 'the municipal system of colonial government' leads naturally to democracy or republicanism or disaffection. On the contrary 'local self-government is so precious that dependent communities enjoying it have invariably revered the Imperial power to which they owed the blessing'.¹ Nor does he propose to deprive the Imperial power of all control of the colonies.

'I for one am of opinion that if colonization were systematically conducted with a view to the advantage of the Mother Country the control of the Imperial power ought to be much greater, and the connexion between the colonies and the centre far more intimate than either has ever yet been.'²

The constitution of the colonies should consist of a Governor with a responsible council, a hereditary second chamber, and an Assembly elected on a property franchise. The chief powers that should remain in Imperial hands are the control of defence, of foreign relations, of external posts, and the control of lands; but the constitutions themselves should be revocable by the Crown on address from both Houses of Parliament. And the colonies should have agents to represent their interests in England. 'Our system of colonial government, viewed as a whole, would be federative as well as municipal.'³ All would then be for the best in the best of all possible worlds.

The real significance of the *Art of Colonization* has not been sufficiently appreciated. Wakefield hardly conceals its purpose. Never realizing that the colonists might not like his system, always underrating the difficulty of administering the colonies and talking airily of how the imperial power 'ought to mould them into the forms most agreeable to itself',⁴ he readily assumes that all the failures of British colonial policy are due to departures from his ideas; and Lord Grey as the statesman professing most sympathy with his ideas comes in for most of the blame. The book, in fact, is a most able and most unscrupulous attack upon Lord Grey, motivated in part, no doubt, by a genuine difference of opinion upon policy but in part by sheer jealousy and personal dis-

¹ Op. cit., p. 273.

³ Ibid., pp. 297-313.

² Ibid., p. 275.

⁴ Ibid., p. 276.

like. The account even of the interview with Grey must be received with suspicion. Grey's account in his private journal is quite different: 'Our conversation was very amicable, but it did not lead to much conclusion.'¹ The account of Grey's relations with Buller also seems to be misleading. In December 1846, we know, Grey and Buller were considering together the subject of emigration:² it is a fair inference that the Canada colonization plan was their joint work. The arrangement of 1847 with the New Zealand Company, of which Wakefield was so severe a critic, was settled mainly by Buller himself. 'The end which I seek,' wrote Buller to Grey in March, 'is nothing but that of giving effect to our common views of systematic colonization . . . In this respect I desire, I hope to see your administration of the colonies contrast brilliantly with any that ever preceded it, and be an era in our history.'³ In October 1847 Russell suggested to Grey that Hawes might possibly take the vacant post of Permanent Under-Secretary. 'C. Buller,' he adds, 'would be glad to be Parliamentary Secretary—if that suited you.'⁴ When Buller went to the Poor Law Board at the end of the year there was certainly no interruption in his amicable personal relations with Grey. In April 1848 we find him trying to enlist Wakefield's support for an emigration loan scheme of Grey's, and Wakefield writes rather resentfully to Rintoul on the matter.⁵ Buller dined at Grey's house as late as 11 November 1848, and when he died on the 29th of the month Grey was evidently much shocked and grieved, and notes in his journal: 'He is in every way a very great loss indeed.' Wakefield himself wrote to Godley a few years later of how Lord Grey 'managed to spoil Charles Buller as a *Colonial Reformer*'.⁶ 'The cause of colonial reform,' he added, 'appeared to be dead. It *was* dead, and was only restored to life in 1849 by yourself and friends of yours who

¹ 5 August 1846—the entry being of course written immediately after the event, whereas Wakefield's account was written two years later, in a book with a controversial purpose, after the death of the third party.

² Russell to Bessborough (29 December 1846): Gooch, *Later Correspondence of Lord John Russell*, vol. i, pp. 168–9.

³ Buller to Grey (15 March 1847): *Howick Papers*.

⁴ Russell to Grey (17 October 1847): *ibid*.

⁵ See above, p. 437 n. 2.

⁶ Wakefield to Godley (7 June 1852): *Lyttelton Times*, 30 October 1852.

formed the Canterbury Association.' Buller may well have been obliged, like all members of all Governments, to concur in measures of which he disapproved. But on the whole, despite Wakefield's assertions, Grey seems to have carried Buller with him. A group like the Colonial Reformers was indeed hardly likely to hold together when some of its members were, and others were not, faced with the responsibilities of office. What united them was a body of well-rounded theories and ideals. What faces a Minister in office is a set of facts on which he must base decisions. He can never carry out his theories just as he would wish, for no theorist has ever been able to allow for all the facts. Besides, in this continual choice of means, there must often be doubt and difference of opinion as to which is best adapted to secure the end desired. Recriminations between the theorists and the statesmen can be avoided on one condition only: the theoretical reformer must *trust* the reforming Minister. But Wakefield (unlike Buller) was incapable of such generous confidence. *Hinc illae lacrymae*.

But the stars in their courses fought for Wakefield and against Lord Grey. His prestige as a Colonial Reformer—'the destined purifier of the Augean stable in Downing Street'¹—steadily waned. His efforts to satisfy the demand for more effective colonization by his Halifax-Quebec railway scheme were unsuccessful. Nor could it be said that the colonies were in a contented frame of mind. The great colonial grievance of 1848 had been the West Indian grievance, and the West Indies were still in denunciatory mood: the Assembly of Jamaica and the Combined Court of Guiana were both in process of stopping supplies. But, however much Molesworth and the *Morning Chronicle* might insist that the West Indian colonies like the rest were suffering from misgovernment by Downing Street, it was difficult to bring home to Lord Grey in person the consequences of a policy approved of, and indeed clamoured for, by the most powerful body of opinion in England. What Colonial Reformers were looking for was a grievance which could, with some hope of success, be used as a weapon against the Colonial Minister. The check that circumstances had administered to Grey's

¹ *Morning Chronicle*, 9 May 1848.

reforming plans soon provided them with many. The Australian colonies were clamouring for labour, and New South Wales, at least, indignantly rejected Grey's constitutional proposals: pacified for the moment by the 'golden dispatch' of 31 July 1848, they were soon excited to a still higher pitch by the ill-advised renewal of transportation. 1849 was to be a year of almost continuous anti-convict agitation at the Cape. Canada was in the trough of economic depression, and the agitation against the Rebellion Losses Bill was used by many of the Colonial Reformers to point the moral that Canada was to be regarded as a warning rather than an example. As if this was not enough, there had been in July 1848 a rebellion in Ceylon—promptly suppressed by the Governor, Lord Torrington, but suppressed, it began to be rumoured, with an unjustifiable severity.¹ Here, surely, were instances enough to prove the proposition that the colonies were as much misgoverned under Lord Grey's régime as they had previously been.

In the parliamentary session of 1849 each of these causes found its champion. Adderley took up the case of the Cape: Gladstone challenged the Government on the Rebellion Losses Bill: Hume, Molesworth, and Baillie, the member for Inverness, secured the appointment of a Committee on British Guiana and Ceylon. There were, however, besides these battles on specific points, three general assaults on the colonial policy of the Government—one a free-lance effort led by Roebuck, the others regular attacks by the Colonial Reformers.

Roebuck had answered Wakefield with a book of his own, *The Colonies of England*. He too was disappointed at the results of colonization, and thought it mainly due to a defective system; but his interest was primarily in the colonies of North America, and his plan was in essence a more or less mechanical adoption of the arrangements—in particular, the North West Ordinance of 1787—under which the United States had settled their western territory.

'In planting new settlements they were aided by our own people—the very elements out of which we endeavour to frame colonies,

¹ On the Ceylon rebellion see Appendix A.

and with which we do produce sickly miserable communities, that can only be said to exist and linger on in a sort of half life, without the spirit of a young or the amenities and polish of an old community, and above all without any spirit of independence.’¹

The two great deterrents to emigrants were the uncertainty that attended every step of their progress and the inferiority of the position which, as colonists, they occupied.

‘With a map in one hand and an Act of Parliament in the other they ought to feel themselves at once, though in a new country, still surrounded by all that of old produced for them order and security—still, as formerly, possessed of powers and rights, and subject to duties and obligations, defined, clear, and known, or easily to be ascertained.’²

There should be fixed rules for the settlement of colonies, carried out, not by chartered companies which pursued gain under the guise of philanthropy, but under the auspices partly of the Imperial Government, chiefly of the colonists themselves. Roebuck embodied his plan in the shape of a Bill, but by 116 to 73 was refused leave to bring it in. He had of course unduly simplified the problem. His faith in the possibility of settling the Canadian West deserved more than the ridicule it received from Hawes, though the time for settling the West had hardly yet arrived. But his plan, successful as it had been in the United States, was not a very practical contribution to the problems of Empire settlement. Hawes pointed out that he ignored the problem of native races, the local control of lands in the North American colonies, the fact that in different colonies entirely different modes of dealing with lands were in operation, and were working satisfactorily;³ and it was no use thinking that by giving each settler a map and a scheme of rights and duties embodied in an Act of Parliament anything like a uniform, smoothly working system could be imposed upon colonies so diverse as Canada, the Cape, Australia, and New Zealand. The real success of the American westward movement had been due to its spontaneity, to the fact that the pioneers did not need to be ‘induced’ to go and could not be ‘deterred’ from going, and to the general suitability of the American West for that type of settlement. The geographical con-

¹ *The Colonies of England*, pp. 84–5.

² *Ibid.*, p. 107.

³ House of Commons, 24 May 1849: *Hansard*, Third Series, vol. cv, pp. 943–9.

tinuity of the United States, moreover, made the relation between the old States and the new territories an entirely different one from the relation between Great Britain and her scattered colonies.

The attacks of the Colonial Reformers were on a wider front. Mr. Francis Scott undoubtedly had New South Wales chiefly in mind, but his motion was for a Select Committee on the political and financial relations between Great Britain and the colonies. He accused the Colonial Office of levying taxes without the colonists' consent by enormous civil lists, of wasting and misappropriating their money by a faulty and extravagant system of emigration unjustly carried on at their expense, and of refusing them self-government by introducing *blocs* of nominees into their Assemblies and arbitrarily proposing to alter their constitutions without their concurrence.¹ Hawes pointed out the unfairness of ascribing to the Colonial Office the entire responsibility for all kinds of friction that might exist between Great Britain and the colonies, and the motion was lost by 81 to 34—but not before Gladstone had made a significant speech in its support. The Colonial Minister, Gladstone admitted, had been too much blamed, but he thought nevertheless that the colonial policy of recent years suffered by comparison with the policy before the American Revolution.

'I do not think that the expenditure of large sums from the Imperial Treasury tends to strengthen or perpetuate the connexion; and this, at least, I do not hesitate to say, that I think it is a mistake to propose the maintenance of that connexion as the one and the sole end which we ought to keep in view. What we ought to keep in view is the work and the function which Providence has assigned to this country in laying the foundation of mighty States in different quarters of the world. What we ought to keep in view is to cherish and foster those infant communities on principles that are sound and pure—on the principle of self-government.'

Then when the time came for the severance of the political connexion with Great Britain a far more valuable thing—a community of feeling and a similarity of laws and institutions—would still subsist.² The appearance shortly after—

¹ House of Commons, 16 April 1849: *ibid.*, vol. civ, pp. 314–32.

² *Hansard*, Third Series, vol. civ, pp. 353–60.

wards of the Australian Colonies Government Bill showed that Scott had exaggerated Australian grievances, and in any case the idea that a single Parliamentary Committee could set to rights all these complicated questions of finance and government could hardly stand examination, but the cause of Colonial Reform had received a great accession of strength.

Ten weeks later, on 26 June 1849, Molesworth moved for a Royal Commission on the whole subject of colonization, colonial expenditure, and colonial government. He even suggested members—Cornewall Lewis, Gladstone or Graham or Lincoln, John Stuart Mill—certainly a discriminating choice. It was a clever speech. Our colonial system was essentially the same, he maintained, as when Charles Buller had attacked it in 1840. Lord Grey had not specially mal-administered the system, though he might be specially unpopular: the system was in fact so faulty that it could not be well administered.

‘One day the Colonial Secretary is in Ceylon, a financial and religious reformer, promoting the interests of the planter and casting discredit on the tooth and religion of Buddha; the next day he is in the West Indies, teaching the economical manufacture of sugar; or in Van Diemen’s Land, striving to reform the fiends whom he has transported to that pandemonium. Now he is in Canada, discussing the Indemnity Bill and the war of races; anon he is at the Cape of Good Hope, dancing a war dance with Sir Harry Smith and his Kaffir subjects; or in New Zealand, an unsuccessful Lycurgus, coping with Honi Heki; or at Natal, treating with Panda, King of the Zoolahs; or in Labuan, digging coal and warring with pirates; or in the midst of South Africa, defeating Pretorius and his rebel Boers; or in Vancouver’s Island, “done” by the Hudson’s Bay Company; or in Victoria, *alias* Port Phillip, the chosen representative of the people; or in the Mauritius, building fortifications against a hostile population; or in the fair isles of the Ionian Sea, enjoying . . . a life of luxurious ease and perfect tranquillity.’¹

Molesworth, like Scott, had the support of Gladstone, who once again was careful to disclaim any animus against Lord Grey. Russell, however, made an able speech against the motion, and it was defeated by 163 to 89. Such a Commission might be useful upon particular points, but the question

¹ Egerton, *Selected Speeches of Sir William Molesworth*, pp. 216–64.

was whether it could or should be asked to frame a whole scheme of colonial policy and define the proper limits of Imperial and colonial authority.

'We must not,' said Russell, 'think by setting up four gentlemen of different politics, perhaps, and one learned umpire, who had possibly written upon political science, to ensure that stability and that unchangeable character which did not belong to the character of our institutions, but which were properly applicable to arbitrary and despotic governments.'¹

Moreover, as *The Times* pointed out, not only did Parliament in its present temper considerably curtail the power for mischief any Secretary of State possessed, but the grant of responsible government to the North American colonies had made it impossible for any Commission, or even for the Crown or Parliament itself, to interfere with what a self-governing colony might deem to be its rights.²

The Colonial Reformers, however, were not discouraged by their defeat. The continuing discontent of the West Indies, the persistence of the annexation movement in Canada, convinced them that the very existence of the Empire was at stake. 'What a battle we shall make next session for colonial self-government if we are alive!' wrote Godley to Adderley. 'Canada and the West Indies must bring things to a crisis and force us to decide finally according to what views our colonies are henceforward to be governed.'³ The successful resistance of the Cape of Good Hope to the landing of the convicts on the *Neptune* seemed to them to be a justification of all their criticisms of Lord Grey and his policy.

'The point,' wrote Godley to Gladstone, 'which I am most anxious to urge upon you as upon all Colonial Reformers is, that whereas they have hitherto pleaded in the interests, as they thought, of suffering colonies alone, they must now plead in the interests of British honour and British supremacy. . . . It is morally impossible that the authority of Downing Street over the colonies can long survive the shock which it has just received in South Africa.'

Godley indeed believed that the only solution of the problem which would satisfy discontented colonists and

¹ *Hansard*, Third Series, vol. cvi, pp. 998-1002.

² *The Times*, 2 July 1849.

³ Godley to Adderley (8 August 1849): Childe-Pemberton, *Life of Lord Norton*, p. 7.

discontented Cobdenites alike was to follow this train of thought to its logical conclusion.

'I mean by local self-government the right and power to do, within the limits of each colony respectively, without check, control, or intervention of any kind, everything that the supreme government of this country can do within the limits of the British islands, *with one exception*. I allude to the prerogative of regulating relations with foreign powers.'¹

The train of thought led equally naturally to a definite alliance with the Cobdenites, who might differ as to the end but agreed as to the means. Cobden dealt with the problem of colonial policy in his great speech at Bradford on 20 December.

'I say to these colonists, I will give you the fullest self-government you can require; but, on behalf of the people of England, I say you must pay for this Government—I say you must pay for your own army, you must pay for your own functionaries, you must pay for your own ecclesiastical establishment. . . . If people tell me that I want to dismember the Empire and abandon the colonies, I say I want Englishmen who are free to possess them. . . . I admit that the political connexion between the colonies and the Mother Country must become less and less strong, and ultimately I can see that it will be but a mere thread of connexion, politically speaking. But, on the other hand, by giving the colonies the right of self-government, with a right good will shaking hands with them, you will retain the connexion commercially and morally far more strongly than you could by any political bond; the one is by the sword, the other is by the strong bond of affection for the Mother Country.'²

The fertile brain of Wakefield conceived the idea of a Society for the Reform of Colonial Government in which all critics of the colonial policy of the day might find a place; and by New Year's Day 1850 it had come to birth. Colonizing enthusiasts like Lyttelton and Adderley—Godley was now outward bound for Canterbury—free traders like Cobden and Milner Gibson, Protectionists like Higgins, Stafford and Walpole were all alike members. They had all agreed 'to aid in obtaining for every dependency which is a true colony of

¹ Godley to Gladstone (12 December 1849): *The Morning Chronicle*, 20 December 1849.

² *The Times*, 24 December 1849. According to Wakefield the speech was 'in no small measure a letter from Molesworth spoken': Wakefield to Adderley (25 December 1849): *The Founders of Canterbury*, p. 177.

England the real and sole management of all local affairs by the colony itself, including the disposal of the waste lands and the right to frame and alter its local constitution at pleasure . . . to relieve the Mother Country from the whole expense of the local government of colonies, except only that of the defence of the colony from aggression by foreign powers at war with the Empire.’¹

They secured the co-operation, though not the definite adhesion, of Gladstone; and Disraeli, though he had little sympathy with Wakefield or with ‘colonial reform’, was tempted by their idea of a colonial amendment to the Address in Reply. It might be made to cover the objects he had more particularly in view—the removal of all duties on colonial produce and the admission of colonial representatives to Parliament. It was only in deference to the objections of Lord Stanley that he laid the idea aside.² Surely the hour of the Colonial Reformers had struck at last. ‘A deep impression,’ said *The Times*, ‘pervades all classes of politicians that the ground has shifted under us and that the Mother Country must *adapt* her policy to the new state of things—the new state being, in fact, a spontaneous development of the colonies themselves.’³

What was the answer of the Government? It was, in effect, that their policy *was* a reforming policy, and that the Colonial Reformers had unduly simplified the problem. Had not responsible government been vindicated in North America? Had not the navigation laws been repealed? Was not the Australian Colonies Bill ripe for enactment? Why, even the West Indies were beginning to return to sanity and hope! They had not lost sight of their aim of local responsibility for local defence. Indeed they had gone so far as to incur from the Duke of Wellington the reproach that the forces in the colonies were being reduced beyond the limits of safety.

‘At this moment,’ Lord Grey replied, ‘I see no reason to apprehend any serious risk to our colonies from open violence, but I see the impression unfavourable to their retention which is made on men’s minds by the heavy military expenditure they occasion, and hence I have

¹ *The Spectator*, 5 January 1850.

² Monypenny and Buckle, *Life of Disraeli*, vol. iii, pp. 233–8.

³ *The Times*, 3 January 1850.

been led to think more extensive reductions of our force advisable than would otherwise perhaps be expedient.’¹

The year of the Rebellion Losses agitation and the Annexation Manifesto in Canada was obviously no time for weakening the forces of order by any withdrawal of Imperial troops;² but in the course of 1849 steps were taken to reduce the garrison in New Zealand, and at the end of the year the Governor of New South Wales was informed that the charge of providing, maintaining and repairing quarters for the Imperial troops must in future be undertaken by the colony, that the force that was to be retained was to be a garrison for Sydney and Melbourne only, and that if the colony required more troops it must pay for them.³ The plea of the Executive Council that the troops were necessary to afford security to the authorities in time of political excitement did not avail to alter the policy.⁴ The Government felt in fact that they had a strong case. Grey primed the Cabinet with an able minute, and Russell—basing himself on that and adding some reflexions of his own—prepared to face the Colonial Reformers.⁵

Russell’s great speech of 8 February 1850 was delivered on the introduction of the Australian Colonies Government Bill. It was, of course, common ground between him and Molesworth that the passing of the old system of commercial monopoly and the great growth of the North American and Australian colonies raised the whole question of the principles on which in future the Empire should be governed. It was, he went on to say, our bounden duty not to abandon the colonies—even by the indirect method of throwing upon them full responsibility for their own government and their

¹ Grey to Wellington (29 June 1849): *Howick Papers*.

² Grey to Russell (18 April 1849): *Howick Papers*. Elgin to Grey (9 February 1850) (Confidential): CO 42/565. Labouchere in House of Commons, 8 March 1850: *Hansard*, Third Series, vol. cix, pp. 570-2.

³ Grey to FitzRoy (21 November 1849): *P.P.*, 1851, xxxv (H.C. 123), pp. 12-13.

⁴ Minute of Executive Council of N.S.W. (17 September 1849): *ibid.*, pp. 5-7. The ‘excitement’ chiefly in view was of course the anti-transportation agitation.

⁵ Grey’s Minute (in the *Howick Papers*) afterwards saw the light without much alteration as the opening chapter of his *Colonial Policy of Lord John Russell’s Administration*. ‘I confess,’ wrote Stephen, to whom Russell’s speech was sent in draft, ‘that I regret that any one but yourself should speak the substance of the confidential Minute’: Stephen to Grey (15 January 1850): *Howick Papers*.

own defence. Our colonies in many ways contributed to the strength of the Empire. They afforded harbours to our trade, useful in time of peace, necessary in time of war. There were native races which we had reduced to order and had been able in some degree to civilize: if abandoned they would certainly relapse into savage habits and racial wars. Many of the colonies, if cut adrift, would not have the means of preserving their independence and continuing to buy our goods and receive our emigrants as the United States had done: they would inevitably turn for protection to some other country. The defence of the colonies against external aggression must be one of the principles of colonial policy; and in return we had a right to ask that there should be no discriminating or prohibitory duties on our goods. Free trade, in short, was a second fundamental principle. But in general we should reduce our interference to a minimum and act as our ancestors had done upon the principles of political freedom.

'In providing that wherever Englishmen went they should have English freedom and have English institutions, they acted justly and wisely. They adopted a course which was calculated to promote a harmonious feeling between the Mother Country and the Colonies, and which enabled those who went out to these distant possessions to sow the seeds of communities of which England may always be proud.'

The onus of proof lay on those who argued that any colony was unfit for freedom. It was, Russell maintained, this policy that had been followed in North America and was in process of application to Australia, to New Zealand, and to the Cape.

'I believe not only that you may proceed on those principles without any danger for the present, but there may be questions arising hereafter which you may solve without any danger of such an unhappy conflict as that which took place with what are now the United States of America . . . I anticipate indeed with others that some of the colonies may so grow in population and wealth that they may say "Our strength is sufficient to enable us to be independent of England. The link is now become onerous to us—the time is come when we think we can, in amity and alliance with England, maintain our independence". I do not think that that time is yet approaching. But let us make them as far as possible fit to govern themselves—let

us give them, as far as we can, the capacity of ruling their own affairs—let them increase in wealth and population, and whatever may happen, we of this great Empire shall have the consolation of saying that we have contributed to the happiness of the world.’¹

Though none could deny the liberality of this speech, it had little effect in checking the criticisms of the Colonial Reformers. ‘Lord John Russell’s declarations and his measures,’ said *The Spectator*, ‘are totally at variance.’² Others thought better of Russell than of Grey, and doubted how far Grey accepted the liberal principles proclaimed by his chief. In any case the Colonial Reformers were intent upon a plan of their own for drawing a line of demarcation between Imperial and local powers. The kernel of their objection to the present system lay in the interference of the Colonial Office: let the power to interfere, they argued, be taken away by law and let the colonies be empowered to legislate in local matters without control at all. The veto power, said Gladstone, had not the advantage of securing uniformity of law throughout the Empire. It merely caused uncertainty and discouraged habits of freedom and self-dependence. ‘He felt that the cases in which it was most desirable that this country should interfere were precisely the cases in which they would find it impossible to do so—in which they would be most apt to wound the colonial dignity, and to hazard the colonial connexion.’³ The veto power was contrary, said Molesworth, to the just claim of the colonists to ‘a colonial Parliament as similar in its form and powers to the British Parliament as the status of a colony will admit of’. In local matters the Royal power of veto on legislation should be exercised not by the Colonial Office but by the Governor.⁴ ‘The point,’ urged Lyttelton, ‘is not that a certain number, more or less, of such Bills is or is not disallowed, but that the whole number might be disallowed, and the colonists cannot possibly tell which of them will be so.’

¹ *Hansard*, Third Series, vol. cviii, pp. 536–67.

² *The Spectator*, 16 February 1850.

³ House of Commons, 13 May 1850: *Hansard*, Third Series, vol. cx, pp. 1389–91. Doubtless he was thinking of the Canada Rebellion Losses Bill.

⁴ House of Commons, 6 May 1850: Egerton, *Selected Speeches of Sir William Molesworth*, pp. 365–92.

⁵ House of Lords, 5 July 1850: *Hansard*, Third Series, vol. cxii, pp. 973 ff.

But what matters were local, and what imperial? Often since the Durham Report had general principles been laid down—by the Colonial Reformers in England, by Robert Lowe in Australia.¹ Wakefield had always leant in the direction of reserving substantial powers to the Imperial authority: Godley, as we have seen, professed himself willing to grant everything but control of foreign relations—abandoning the constituent powers and the control of lands with which Wakefield was peculiarly identified—and Godley's view appeared to prevail in the prospectus of the Society for the Reform of Colonial Government. Molesworth for his part had argued, in his logical way, in 1848 that free trade with the colonies and free access to the colonies should be the determining principles.² He thought a Royal Commission such as he had proposed in 1849 the proper authority to work out the principles in detail. But the proposal had been rejected. Molesworth, realizing that it was incumbent on him, had thereupon enlisted the aid of a rising barrister, the future Lord Thring, and evolved a scheme of his own.³ Her Majesty was to reserve power

'to send or receive ambassadors, to enter into any treaty, alliance or confederation . . . ; to grant letters of marque and reprisal during peace or war, and to grant safe conducts during war; to declare or make war . . . ; to confiscate the property of alien enemies in time of war; to establish prize courts; to command the militia in time of war, and at all times to command all regular naval and military forces employed in or about the said colony; to coin money or regulate its value, or that of foreign coin; to grant titles of nobility; to regulate the transmission of letters by sea to or from a colony and any other place; to keep land or naval forces in or about a colony or the coast thereof; to erect forts, magazines, arsenals, dockyards, and other needful buildings for military purposes.'

The colonial legislatures should not have power

'to establish slavery; to alter the succession of the Crown or pass any Act affecting the style and dignity of the Crown, or relating to the appointment of a Regent; to absolve any person from his allegiance; to deprive any person of the right of appeal to Her Majesty in Council,

¹ Patchett Martin, *Life and Letters of Viscount Sherbrooke*, vol. i, pp. 291-2.

² House of Commons, 25 July 1848: Egerton, *Selected Speeches of Sir W. Molesworth*, pp. 207-9.

³ Mrs. Fawcett, *Life of Sir William Molesworth*, pp. 270-1.

in any case in which such appeal now subsists; to make any law . . . contrary to the law of nations, as received and administered in the Courts of Great Britain; to make any law respecting captures by land or water, or to define piracies and felony committed on the high seas; to make any law affecting the command, regulations or discipline of Her Majesty's military and naval forces; to bring in any Bill of attainder; to impose any differential duty on imports to or exports from any part of Her Majesty's dominions, or any duty inconsistent with any treaty . . .; to confer any privilege or immunity on the inhabitants . . . that shall not equally be conferred on the other subjects of Her Majesty.'¹

Questions of interpretation Molesworth proposed to refer to the Judicial Committee of the Privy Council.

In an interesting speech in the House of Lords, Lyttelton expressed his confidence that the most beneficial results would follow from the adoption of this policy.

'Such a system would evidently tend more and more to work itself clear, and to become more definite and satisfactory as it proceeds. . . . Such a tribunal would be guided by its own precedents, so that questions . . . when once debated and adjudged, would be settled for ever, and no further litigation need arise upon them . . . I know very well that these colonies will eventually obtain self-government . . . Canada has obtained it by its own growth, and by the force of events, so that it practically knows and feels that it has self-government, which is as good a security as any colony can desire. But . . . Canada has reached it by a process which has brought with it no gratitude, no attachment to this country, and above all . . . no adequate assimilation of the character of the colonial mind to the best elements of our society at home.'²

Let us, he said in effect, go at once as far as we can possibly go; we shall satisfy the colonies, and they will grow up like ourselves.

The Government accepted neither the scheme nor the principles on which it was based. Responsible as they were for the defence of the colonies they must, argued Grey and Russell, retain some general superintending authority; and, as Russell had maintained in his famous dispatch of 14 October 1839, such a superintending authority could not be limited

¹ House of Commons, 8 February 1850: *Hansard*, Third Series, vol. cviii, pp. 569-79. Later (6 May 1850) Molesworth moved the recommittal of the Australian Colonies Bill for the purpose of inserting clauses along these lines.

² House of Lords, 5 July 1850: *ibid.*, vol. cxii, pp. 973 ff.

by rigid definitions of Imperial powers. The essential thing was not a statutory definition, but the exercise of a little good sense and moderation on both sides. Further, said Grey with characteristic candour, 'one of the most useful functions which he thought the Home Government could discharge to these infant States was to give them the advantage of their greater experience, and, with all respect be it said, of their greater knowledge'.¹ And surely it was better to leave any differences to be discussed by both parties in a spirit of compromise than to attempt to decide them by the fixed and arbitrary rules of Acts of Parliament, or the technical interpretations of Courts of Law. 'The distinction, which it would be impossible to define by law beforehand, in a manner which would be satisfactory, it is perfectly easy to make in practice with regard to laws after they are passed.'² Abstract rules laid down for some thirty or forty different colonies would certainly fail of their intended effect.³

The decisive division in the House of Commons resulted in favour of the Government by 165 to 42. The idea was not killed. It found a place in the Australian constitutions framed in 1853 by committees of the local Legislative Councils, which proposed to confine the Imperial power of reservation and disallowance to Bills on certain 'Imperial subjects'; and Molesworth and Gladstone, both members of the Cabinet of the day, wished to make the concession. They were again defeated, thanks to Lord John Russell, Sir George Grey, and Frederic Rogers of the Colonial Office;⁴ and this second defeat was final. The issue was one of first-rate importance, and there can be little doubt that the decision was in the best interests of the Empire. It was clear, of course, where the idea came from. 'The United States,' said Molesworth, 'is a system of States clustered round a central Republic. Our colonial empire ought to be a system of colonies clustered round the hereditary monarchy of England. The hereditary monarchy should possess all the powers of government, with

¹ House of Lords 10 June 1850: *Hansard*, Third Series, vol. cxi, pp. 969-71.

² Minute for the Cabinet (7 January 1850): *Howick Papers*.

³ Lord John Russell in House of Commons (26 June 1849): *Hansard*, Third Series, vol. cvi, pp. 998-1002.

⁴ Knaplund, *Gladstone and Britain's Imperial Policy*, pp. 73-7.

the exception of that of taxation, which the central Republic possesses.' ¹ The analogy, it is interesting to note, led Molesworth into an opposition to federal union both in Australia and in New Zealand; but he ought to have seen that it was inexact, for the power which he proposed to except was the most fundamental power a government possesses. The colonists, doubtless, loudly professed that they were claiming their rights as Englishmen. So had the Americans before the Revolution. But in time they would come to feel that they were not Englishmen, but Canadians and Australians, South Africans and New Zealanders. No constitutional arrangements could prevent that inevitable development. It was difficult enough to demarcate the federal and local spheres in a national federation: it was impossible in the case of colonies, steadily growing in self-consciousness but at very different stages of growth, when the central authority was a body in which they were not represented. The difference in the circumstances of the colonies the Colonial Reformers never seemed to realize: the West Indian islands were to be given responsible government just as much as Australia.² The absence of colonial representatives in the Imperial Parliament Molesworth and Lowe, to say nothing of Disraeli, sometimes spoke of as a remediable defect in the Imperial system: it is a tribute to their sense of justice rather than to their discernment.³ Besides, in one case—that of the currency—Canada had already asserted its right to a power which Molesworth wished to reserve;⁴ and nothing was more certain than that other such cases would arise. Godley, no doubt, had foreseen this necessity; but the complication of Molesworth's scheme was a tacit admission that Godley was in advance of his fellow Colonial Reformers. The best way of solving these problems was the way Lord Grey had indicated. By intuition perhaps as much as by reasoning Grey and Russell had hit upon a fundamental truth: flexibility of constitution was

¹ Egerton, *Selected Speeches of Sir W. Molesworth*, p. 391.

² *The Morning Chronicle*, 9 February 1850—by no means the only reference to the point.

³ Russell himself once mooted the idea that the colonies might be represented in the House of Commons in proportion to their contributions to defence: Russell to Grey (19 August 1849): *Howick Papers*. Grey's reply (in the *Russell Papers*) was unfavourable.

⁴ See below, p. 517.

among the primary needs of a heterogeneous and rapidly developing Empire.

This scheme of Molesworth's and the Australian Colonies Bill which gave rise to it absorbed most of the energies of the Colonial Reformers in the session of 1850; and on the whole the Government, who carried the Bill with the loss of the federal clauses, held the advantage over their critics. In 1851 the Reformers wisely decided to shift their ground, not to attack all along the line but at particular points where they could reasonably hope for outside support. One of the weak spots of the Government was Ceylon. The Committee, which had finished its investigations in 1850, refused to condemn Lord Torrington but issued an inconclusive report which undoubtedly gave a handle to his critics. Despite an effective speech by Torrington himself in the House of Lords on 1 April 1851, a motion of censure was moved in the House of Commons. It was defeated by 282 to 202, after a powerful speech in its support by Gladstone, notably free from the partisanship and personality by which most of the Ceylon debates had been disfigured.¹ This motion was not unembarrassing, but it was only of secondary importance. The opportune outbreak of the Kaffir war enabled the Colonial Reformers to concentrate with effect on their old topic of 'colonial expenditure' and self-government as a means to its reduction. Wakefield submitted to Gladstone a memorandum purporting to show from the examples of Canada, New Zealand, and the Cape—

'first, the tendency of keeping Imperial troops in a colony to make the removal of them difficult—to render their presence apparently necessary; secondly, the evils which the military occupation of a colony produces as regards the government, the political economy, and the social state of the colony; thirdly, the absolute necessity of important changes of colonial policy as respects government at the same time with the adoption of the proposed Imperial policy of withdrawing the troops.'²

The Government, to be sure, had not been inactive. A fresh remonstrance from New South Wales against the reduction

¹ See below, pp. 530-2.

² Memorandum (March 1851): *Canadian Historical Review*, vol. v, No. 3, pp. 231-6.

of the garrison as 'both inopportune and unjust'¹ did not avail to deflect them from their course; and they thought improved commercial and political conditions made action possible at last in Canada. The people of Canada, Grey wrote to Elgin, must be called upon to assume the responsibilities of self-government and to take upon themselves a larger share than hitherto of expenses incurred on their account and for their advantage. In future, with the exception of a certain number of enrolled pensioners who would be located in the province, the Imperial garrisons would probably be confined to Quebec and Kingston: if Canada wished for an Imperial force at any other point, she must incur the cost. She would still, of course, retain her right to the general protection of the military power of the Empire.² There was, however, a distinct difference between the Government and their critics. 'They proposed,' said Adderley, 'to do at once what the Government proposed to do gradually.' Oddly enough, he regarded this as an argument in his favour. 'The country,' he predicted, 'would not tolerate the present mischievous expenditure in overlaying the natural energies of the colonies much longer. The consequence would be that, in some moment of indignation, they would not only throw off the burden of the expenditure, but with it they would cast away the colonies themselves.'³ The Colonial Reformers refused, also, to differentiate between Canada and the Cape: Americans were as dangerous as Kaffirs, and there was no reason why the relations of colonists and native tribes should be regarded as a matter of Imperial interest. Not a man should be maintained in the colonies except for strictly Imperial purposes, said Molesworth; indeed 'in certain cases, it would not be too much to expect that the colonies should assist the Empire both with troops and money; and I feel convinced that if the colonies were governed as they ought to be, they would gladly and willingly come to the aid of the Mother Country in any just and necessary war.'⁴ This

¹ Address from Legislative Council of N.S.W. (4 September 1850): CO 201/431.

² Grey to Elgin (14 March 1851): *P.P.*, 1851, xxxvi (Cmd. 1344), pp. 9-13. The cost of maintenance of the canals was also to be taken over by Canada, and the expenses of the Indian Department were to be gradually stopped.

³ House of Commons, 10 April 1851: *Hansard*, Third Series, vol. cxv, pp. 1419-24.

⁴ Egerton, *Selected Speeches of Sir W. Molesworth*, pp. 265-90.

striking declaration of faith, and the air of conviction which pervades all the Colonial Reformers' arguments, should not, however, be allowed to obscure the fact to which we have already adverted—that the chief consequence of their pressure and the pressure of their allies the Cobdenites was to hurry the Government into the disastrous policy of retreat in South Africa. The policy of attacking the Government at what appeared to be its weakest point succeeded only too well.

Meanwhile Lord Grey's unpopularity steadily grew; and Lowe, who was a good hater if ever there was one, had brought *The Times* into line against him. Unquestionably Grey was now fighting a losing battle: the Colonial Reformers had dropped for the moment their alternative policy and made it their great object to hound him out of office. His South African policy was misunderstood: the alienation of the Australian colonies by his land and transportation policies was becoming only too evident: and both the good and the bad points in his policy told against him. *The Times* insinuated that he was only interested in colonies as providing a field for patronage and was indifferent to the fate of Canada. 'From the first moment of his colonial rule,' it went so far as to say, 'he has in every colony resisted to the utmost every attempt on the part of the colonists to manage their own affairs.'¹ In the gentle art of calumny Wakefield had met his match in Robert Lowe. Lord John himself suggested, when trying to strengthen the Government after Palmerston's dismissal, that Grey should take the Home Office instead of the Colonies.² The suggestion was indignantly rejected, and Grey went down with colours flying. His disappearance was hailed by the Colonial Reformers as an occasion for rejoicing—mingled perhaps with a little disappointment that it was not they who had fired the shot. 'Sir John Pakington,' remarked *The Times* in a last broadside, 'must, we should think, enter office with one great advantage over his predecessors—a thorough consciousness of his own ignorance.'³ Lord Grey had indeed found it folly to be wise.

¹ *The Times*, 12 November 1851.

² *Journal of Lord Grey: Retrospect*, 6 March 1852.

³ *The Times*, 26 February 1852.

What was the significance of all the sound and fury of his critics? Taking it at their own valuation, it was great. Not a Colonial Reformer but averred that vast and beneficent changes in colonial policy followed from the activities of the Society for the Reform of Colonial Government. 'Between the years 1850-53,' wrote Adderley years afterwards, 'it perfectly achieved its work.'¹ Let us examine the claim.

The first object of the Society had been to secure for every colony 'the real and sole management' of all its local affairs. It would, of course, be unfair to deny the Colonial Reformers all share in the concession of control of lands to the Australian colonies in 1852—or in the simultaneous decision to cease transporting convicts to Van Diemen's Land. It may however be said with some confidence that after the concession to New Zealand in the Constitution Bill—a concession Lord Grey himself had proposed to make, though in a different way—no British Government could long have withheld the lands from the Australian Legislatures, Colonial Reform Society or no Colonial Reform Society. And surely it is one of the ironies of history that a society organized by Wakefield, the great protagonist until some undetermined date in 1849 of the Imperial control of lands, should claim credit for the final establishment of the opposite principle. It might also be said that the gold discoveries rather than the arguments of the Colonial Reformers killed transportation—though it was they perhaps who first familiarized men's minds with the idea that it must die. If their arguments had overthrown the principle, would transportation to Western Australia have been continued?

Nor should it be forgotten that the Colonial Reformers identified themselves with certain very characteristic views of the nature of colonial self-government. One of their main ideas, the statutory demarcation of Imperial and colonial spheres, failed—as we have seen—to win acceptance. A second was perhaps most piquantly expressed by Gladstone in the Kaffir War debates of 1851.

'It was taken for granted by many of our statesmen that that doctrine was correct which taught that the best system of colonial policy

¹ Lord Norton, *Imperial Fellowship of Self-governed Colonies* (1903), p. 33.

was to deal with the colony as with an infant. First, it was to have long clothes, and then short clothes; it was to be taught to walk; and the hope of freedom was only at intervals to be held out to it. This, he maintained, was a great practical fallacy, and, moreover, the most mischievous fallacy. They must found their colonies in freedom if they would have them really free.¹

Every year they were deprived of free institutions, he argued in the debates on the New Zealand Constitution Bill next year, they became less fit for freedom: hence the embarrassments sometimes arising when such institutions were given.² Godley had expressed the same view. 'We ought not, I am sure,' he wrote, 'to impose upon the colonists any form of government whatever, even to start with. When we shall have duly authorized them to act for themselves, our function with regard to their internal affairs should end.'³ It is arguable perhaps that this view, based on American and still more perhaps on Greek precedents, is sound in theory; but when it is remembered that the Colonial Reformers regarded native policy as an 'internal affair' it appears rather to be a dangerous half-truth. At any rate, as most would say fortunately, it never became a principle of British colonial policy. Thirdly, the Colonial Reformers held that responsible government should be given to colonies like the Cape, or even the West Indian islands, just as freely as to Canada or New South Wales. In demanding responsible government for the West Indies, the Colonial Reformers were quite certainly wrong: Lord Grey, as we shall see in the next chapter, had decidedly the better of the argument. The claims of a colony like the Cape, it is true, stood on a different footing, and were ultimately unanswerable; but Lord Grey did not deny this, and it is interesting to note that it was not until 1872 that the concession was actually made, though in the meanwhile the Colonial Reformers had had more than one opportunity of urging it upon a friendly Secretary of State. There is good reason, in fact, for saying that they greatly exaggerated their influence on the growth of colonial self-government

¹ House of Commons, 15 April 1851: *Hansard*, Third Series, vol. cxvi, p. 267.

² House of Commons, 21 May 1852: *ibid.*, vol. cxxi, pp. 952-61.

³ Godley to Gladstone (12 December 1849): *Morning Chronicle*, 20 December 1849.

under Lord Grey and after; and, moreover, there is a definite black mark to be set against them in this matter. They were apparently incapable of appreciating the value of Lord Elgin's work in Canada. *The Spectator* and the *Morning Chronicle*, in the crisis of the Rebellion Losses Bill and the annexation movement, denounced him as a 'weak, irresolute, wordy, undignified, and incapable Governor'.¹

The second object of the Colonial Reform Society was to relieve the Mother Country from the whole cost of the local government and defence of colonies. It was essentially a wise and necessary policy, if cautiously and tactfully carried out. But the critics of the Ministry used their influence in exactly the wrong direction. They were all for doing things 'at once', leaving the colonies to console themselves with a few fine words. The successors of the Russell Ministry had in practice no option but to follow their *via media*. The process was for the time accelerated by the Crimean War; but there was always some incident or other—first the excitement of the Australian gold discoveries culminating in the Eureka Stockade, then the war scare at the Cape, and then the Maori War—to interrupt the movement. Though £378,000 was expended by the colonies on defence in 1857, the Imperial expenditure was no less than £4,037,000: in 1849-50 it had been only £2,450,000.² When the real crisis came—fittingly enough, in Gladstone's Ministry of 1868-74—the colonists widely regarded his policy as a prelude to cutting the colonies adrift; and this view, however mistaken it may have been, initiated a great reaction in favour of imperialism.³ The credit due to those who perceived that it was not consistent with the dignity of a self-governing colony that it should rely for its protection, except in great emergencies, upon the Imperial power belongs rather to Grey and Russell, who were willing to make allowance for circumstances and anxious not to shirk real responsibilities, than to Gladstone and Molesworth and Adderley, who were as keen as Cobden upon hurrying the policy to its logical conclusion.

The Colonial Reformers certainly weakened the hands of

¹ *The Morning Chronicle*, 2 January 1850.

² *P.P.*, 1859, xviii (H.C. 114).

³ Bodelsen, *Studies in Mid-Victorian Imperialism*.

the Colonial Office. But was it a good thing that the Office should have to justify its every measure, wise or unwise, to captious critics in Parliament? In theory the answer might be yes: in practice the case is much more doubtful. The debate on the Rebellion Losses Bill was an encouragement to colonial minorities: the endless debates on sugar raised delusive hopes in the West Indians: the debates on the Kaffir War helped to drive the Government from a far-sighted policy into a short-sighted one. The 'Ceylon Merchant' who wrote to *The Spectator* that Ceylon was 'sick of the very name of the inquiry'—which merely diverted attention from the real needs of the colony—had put his finger on one of the weaknesses of the Colonial Reformers. Well-intentioned and able as much of their criticism was, it often degenerated into mere indiscriminate abuse of the Colonial Office and the Colonial Minister. 'The choice,' said Lowe on one occasion, 'really is between the Colonial Office and the Colonial Empire—you cannot keep both';¹ but, whatever Colonial Reformers might say, it was essential to keep both, and it was a real disservice to the Empire to encourage the colonies to attribute every grievance to the stupidity or the malignity of Downing Street. Not the least weighty of the arguments in favour of responsible government was that it tended to diminish partisan criticism in Parliament and in the Press of Great Britain.

Yet the agitation of the Colonial Reformers did some good in other ways. With the aid of their Cobdenite allies they do appear to have convinced public opinion in Great Britain of the necessity of colonial self-government. The criticism of Lord Grey, who had in his time been a pioneer, was that he did not go far enough—which, whether it was valid or whether it was not, was at least a proof that public opinion had grasped the fundamental idea that colonial freedom was an essential element of the new imperialism. Nor was this the only service of the Colonial Reformers. Colonists at a distance being naturally prone to complain of their government, there were advantages as well as disadvantages in the presence of a rather self-conscious group of 'friends of the colonies' in England. In *their* case distance lent enchantment

¹ At a dinner of the Colonial Reform Society: *The Times*, 20 July 1850.

to the view; and they gave the colonists the reassuring feeling that there was an appeal from official to unofficial England. It was an emotional necessity to the Empire that there should be some man or institution to abuse, and the Colonial Office was perpetually being offered up as a sacrifice on the altar of the Imperial spirit; but there was something in their Mother Country, nevertheless, that colonists loved, and this came to be personified for the colonists of those times in the Colonial Reformers.

XX

THE IMPERIAL IDEAS OF LORD GREY AND HIS PLACE IN IMPERIAL HISTORY

THE Empire in 1846 was just becoming conscious that it rested not upon commercial privileges but upon the colonizing impulses of the British people and the common British heritage of freedom; and Lord Grey's task, as has been said already, was to reform, or rather to transform, colonial policy accordingly. The fruits of his labours must have been profoundly disappointing to himself. He had notably failed to win acceptance for his ideas and had earned a personal unpopularity so great that he was for a time a governmental impossibility. He made an able and dignified defence of his administration in his *Colonial Policy*, and in time men began to see that there were good points in his policy; but there still remained a certain stigma attaching to his name and fame, and he never again held office in a Cabinet. Chamberlain, however, in his speech introducing the Commonwealth of Australia Constitution Bill referred to Grey as the man 'to whom we all must feel we owe most of the principles by which our colonial policy is guided';¹ and among the writers of Canadian history who have had access to the Elgin-Grey correspondence there has been a marked reaction in his favour. This correspondence no doubt shows him in the most favourable light. Nevertheless his share in the great work of Lord Elgin was by no means his only merit. Both his actions and his ideas have left their mark upon the whole development of British imperialism.

The new imperialism, it has been argued in the opening chapter of this book, began with the great migration of the second quarter of the nineteenth century. Wakefield and his school regarded this migration as a movement which could be used both to solve the 'condition of England' problem and to make the colonies new Englands overseas, and in this way founded upon it their whole philosophy of Empire. Their great maxims of practical policy were that England should

¹ Keith, *Selected Speeches and Documents on British Colonial Policy, 1763-1917*, vol. i, p. 339.

colonize faster and colonize more systematically. Lord Grey went some of the way with them, but not the whole way. He did not believe that emigration, except in special circumstances, in particular districts, and to a limited extent, could really relieve distress in England.

'I have never believed,' he said in 1848, 'that there existed in this country any real or permanent excess of population. I am convinced, that taking the country as a whole, its still undeveloped resources afford ample means for the profitable employment of our increasing population; and that now that the shackles are removed from industry . . . all who are able and willing to work will in general find the means of doing so. . . . I have also always maintained that those who look to emigration for relief from the distress to which the industrious classes are occasionally exposed have not sufficiently adverted to the fact that any diminution of the population by artificial means would necessarily and inevitably be followed by an acceleration in the rate of increase of the population; which would more than meet the vacuum so occasioned.'¹

Moreover, whilst he quite agreed that a steady and orderly development of the resources of the colonies was in the interests of the whole Empire, he seems to have felt that in this respect also Wakefield and his followers expected too much of systematic colonization. He held that the main principles of the Wakefield theory were sound; but it was one thing to formulate the theory, and another thing to apply it. In old established colonies such as Canada and South Africa the fact was, as Grey came to realize, that the main lines of development could not easily be changed; and in North America, at least, where the lands and land revenue were in colonial hands, everything had to be done in co-operation with the colonial legislatures. That was not to say that the Imperial Government could do nothing to promote or assist emigration: but, particularly in view of the rate at which voluntary emigration was proceeding, its effective power was limited. The colonization of Australia, under the supervision of the Colonial Land and Emigration Commissioners, proceeded almost automatically as funds accrued from land sales; and Lord Grey thought the system on the whole satisfactory, and better than the various alternative schemes that were

¹ House of Lords, 10 August 1848: *Hansard*, Third Series, vol. ci, pp. 38-50.

from time to time suggested in the colonies or England. In the newest colonies of all—New Zealand, Natal, Vancouver Island—Grey sought to achieve his end of ordered development by handing over the work to joint-stock companies on certain conditions—granting them concessions in regard to land and trusting to their self-interest to see that their schemes were well and economically conducted. Nowhere, certainly, can it be said that Lord Grey was indifferent to the fact that the first need of a colony is growth; and though he sanctioned schemes that would not work, placed too much faith in *laissez-faire* at one time and hoped too much from his pet schemes at another, he had perhaps a firmer grasp than Wakefield of the real nature of the processes of Empire settlement. By 1851 the era of Mid-Victorian prosperity had begun, and Lord Grey was shown not to be far wrong in his estimate of the situation in Great Britain: the question how far emigration can relieve distress and unemployment is still a matter of dispute, but that Wakefield was too sanguine on the point seems clear. His case for systematic colonization on the grand scale did not of course rest solely upon the relief it would bring to Britain: but, true though it may be that history tells us only what has been done and not what might have been, the weight of evidence is still against the practicability of vast schemes of systematic colonization. The most hopeful of Grey's schemes, the one for building the Halifax-Quebec railway, came to nothing in the end, and though it was pretty clearly not inherently impracticable, its history was one long illustration of the difficulty of working out such schemes, financing them, and rendering them acceptable to the colonies concerned.

The criticism of Lord Grey's colonization policy that has most validity is not, in fact, that he attached too little importance to colonization or did too little to promote it, but rather that he regarded it too much as an Imperial affair. So far as the North American colonies are concerned, the criticism cannot indeed be urged; and in colonies at so early a stage of growth as New Zealand or Natal it hardly applies. It does hold good, however, of Australia. Lord Grey's reluctance to contribute to the cost from Imperial funds was virtually an admission that colonization, though in a sense

an Imperial matter, concerned the colonies more closely than it did Great Britain. Yet he refused to admit the consequence that colonial control over colonization ought to be increased. The Canadians had established their rights in the matter: it was inevitable that other colonies, now becoming conscious of their separate individualities, should suppose, however wrongly, that they were being colonized chiefly in the interests of Great Britain, which might not coincide with theirs. It did not of course follow that when they echoed the cries of Lord Grey's English critics they wanted the same thing. The 'ragged school' boys of Lord Ashley, the 'distressed needlewomen' of Mr. Sidney Herbert, the artisans of Mr. Francis Scott and his Colonization Society, were in fact less acceptable than the ordinary agricultural emigrants selected by the Land and Emigration Commissioners, and it is difficult to believe that under any scheme carried out upon a larger scale the Commissioners' standard could have been maintained. The mere fact that colonization was proceeding upon something like a uniform system, however, tended probably to create suspicion: the colonist is anything but a believer in systems, and instinctively prefers to experiment, to learn by the method of trial and error. Above all he believes that he knows his own interests best. The time had come to allow the Australian's claim to the determining voice in the development of his community, to let him prefer the present to the future if he wished, and learn by his own mistakes. The development of the Empire might become a degree less orderly, but friction would be reduced; and, in so far as the development depended upon machinery at all, this would in the end tell. The last had not been heard of systematic colonization—or Empire settlement, to use the phrase now current—but for the time its claims had to give way to the greater necessity of freedom.

How far did Grey realize that freedom—free growth, free government—was of the essence of the new imperialism? The criticisms of Gladstone and the Colonial Reformers were not always just, but it certainly is the case that he did not believe in freedom as uncompromisingly as they did. Responsible government, he thought, was a thing to be given by stages, as the colonies grew in wealth and population, in

experience of representative institutions, and in capacity to deal with coloured races. Responsible government, Grey perceived, meant in effect party government; and probably this was the form of government most suited to a colony in an advanced stage of social progress.

'The experience however of our own Country, in which this system of government has so long flourished, may teach us that its advantages are by no means unmixed, even in communities the best adapted to it. . . . We know also that hitherto Parliamentary government has not been carried into successful operation for any considerable time in any other country in the world but our own, and that it is little more than ten years since it was first attempted in any of our Colonies, while in none of them can it be said to have been brought into full operation until far more recently. Even this short experience of its working in the Colonies would seem to show that it is suitable only to a community which is not a very small one, to a population in an advanced stage of civilization, which has had the advantage of some training by the working of a free constitution of a simpler kind, and, I should be inclined to add, in which Municipal institutions exist, capable of dividing with the Legislature the very large powers which it would engross.'¹

Corruption was more likely in a small Assembly, party feeling more rancorous in a small community. Nor was responsible or party government essential, in Grey's opinion, to the enjoyment of the advantages of free institutions.

'If a representative Legislature exists, the people not only possess the power through their representatives of determining all questions relating to legislation, the imposition of taxes and the expenditure of the public money, but they have likewise the means of expressing their opinion, in a manner which makes it certain that it will not be neglected, on the administration of the Executive Government. In those earlier days of our Colonial history, to which it is now so much the fashion to look for an example to be followed, these were the only securities for good government; and there can be no doubt that they are now far more effective than in those times.'²

Why, though it was the obvious duty and interest of Great Britain to create representative institutions wherever she safely could, and to develop them where they already existed, even where they did not exist there were substantial

¹ *Colonial Policy of Lord J. Russell's Administration*, vol. i, pp. 33-4.

² *Ibid.*, vol. i, p. 36.

securities against misgovernment—a free Press, a right of appeal from the Governor to the Secretary of State, to say nothing of an ever-vigilant Parliamentary Opposition.¹ What reason was there for saying that the Imperial authorities were prejudiced against self-government?

‘This Country has no interest whatever in exercising any greater influence in the internal affairs of the Colonies, than is indispensable either for the purpose of preventing any one Colony from adopting measures injurious to another, or to the Empire at large; or else for the promotion of the internal good government of the Colonies, by assisting the inhabitants to govern themselves when sufficiently civilised to do so with advantage, and by providing a just and impartial administration for those of which the population is too ignorant and unenlightened to manage its own affairs.’²

On the ideas thus set forth in his *Colonial Policy* Lord Grey had acted whilst Secretary of State. They had not commended themselves to public opinion either in England or in the colonies. Lord Blachford, Permanent Under-Secretary for the Colonies from 1860 to 1871, afterwards spoke of Lord Grey as ‘possessed with the idea that it was practicable to give representative institutions, and then to stop without giving responsible government—something like the English constitution under Elizabeth and the Stuarts’; and went on to say that events had left his theories behind.³ So late as 1869–70 indeed Grey urged that, in return for receiving Imperial aid in finishing the Maori War, New Zealand should revert to the old type of representative constitution, on the ground that, apart from the question of justice to the Maoris, experience both there and in the Australian colonies was ‘very unfavourable to the working of party government in societies still so limited in number and at so early a stage of social progress’.⁴ Nor did he conceal his opinion that the grant of responsible government to the Cape in 1872 was injudicious: native tribes required a consistent, firm, and

¹ *Colonial Policy*, pp. 27–30. Grey made arrangements for a more systematic study of colonial newspapers transmitted to the Office. For a colonial tribute to the influence of the Press, see West, *History of Tasmania* (1852), vol. ii, pp. 340–1.

² *Ibid.*, pp. 17–18.

³ Marindin, *Letters of Lord Blachford*, pp. 297–8.

⁴ Grey to Messrs. Youl, Sewell, and Blaine (December 1869): *Howick Papers*. He made the same point in several speeches in the House of Lords.

just government, 'but we could not hope to have a consistent and a firm government with a constitution under which changes of administration were likely to occur every six or twelve months'.¹ Whatever else events had done they had not altered Grey's opinions.

In the case of Australia Lord Grey's anti-democratic prejudices undoubtedly led him astray. It is true that for many years responsible government in the Australian as in the North American colonies worked none too smoothly: but it would have been futile for the Imperial Government to attempt to withhold the concession until everything worked well. The fact that a community is large and long established is only one of the reasons that affect the working of Parliamentary institutions in that country. The absence of outstanding leaders or clear-cut lines of party cleavage, the confusion of issues and the complexity of the most important issue, the land question—all these factors made for instability in colonial government; but experience is the best teacher, and slowly the colonies learned—and proved Lord Grey wrong if he believed, as he does seem to have believed, that instability is a necessary concomitant of democratic government.

Yet Lord Grey cannot be condemned offhand as a mere victim of anti-democratic prejudice. It is quite true that party government in a community of mixed race is attended with grave dangers. It has never been argued that the Cape colony suffered very seriously from the eighteen years' time-lag in the grant of responsible government, and it might with some reason be maintained that the delay consolidated the liberal Cape tradition in questions of native policy. The Maori War in New Zealand was probably not unconnected with the constitutional developments of 1853-6. It has indeed been the usual practice since to allow a certain interval to elapse between the establishment of representative and of responsible government. Grey after all did not propose to 'stop': perhaps he chiefly erred in his judgement of the time to be allowed for the transition.

In one field, indeed, Grey's caution was amply justified. In the days of slavery, 'representative government' was no

¹ House of Lords, 23 April 1877: *Hansard*, Third Series, vol. ccxxxiii, pp. 1661-4.

more regarded as an anomaly in the West Indies than was 'democracy' in ancient Athens. After the liberation of the slaves the spirit of the age seemed to be in favour alike of the representative principle and of an optimistic view of the negro which saw no absurdity in granting representation to all free men owning a certain minimum of property—all the more so as in those days it was still almost taken for granted that an electorate would choose its representatives from among an educated governing class. Exactly what the Colonial Reformers meant by 'self-government' in tropical colonies is not quite clear, but their advocacy was vigorous enough. 'Of all colonies possessed by Queen Victoria or governed by Lord John Russell and Earl Grey, British Guiana', said *The Spectator* in 1850, 'is perhaps the one that has the most crying claim for a genuine representative constitution.'¹ A doctrinaire reformer such as Molesworth might have embarked on perilous experiments. Lord John, as we have seen, was himself inclined that way,² and Lord Grey himself was more optimistic than the facts justified about the political progress of these colonies.

'I conceive,' he tells us, 'that gradually to prepare them for a more popular system of government ought to be one of the principal objects of the policy adopted towards them, and it is one of which I never lost sight. It was more particularly with this view that I endeavoured, whenever practicable, to create a system of municipal organization, entertaining a strong conviction that the exercise of the powers usually entrusted to municipal bodies is the best training that a population can have for the right use of a larger measure of political power.'³

Fortunately, however, Grey and the Colonial Office had a firm enough grasp of realities not to be guided in this matter by mere abstract theories. The longer any such theoretical experiments were postponed, the more evident became the difficulty of the negro problem and the less the temptation to give the negroes privileges they could not safely use. Thus Grey's policy of considering cases on their merits saved the Empire, and the tropical colonies in particular, from the dangers of a too early and too sweeping statement of principle on the question of colonial self-government.

¹ *The Spectator*, 26 October 1850.

² See above, p. 208.

³ *Colonial Policy of Lord J. Russell's Administration*, vol. i, p. 32.

Colonial self-government, it must be said, was never in Grey's view equivalent to the abdication of all authority by the Imperial Government. It ought to retain a measure of control everywhere, 'mainly in two ways; first by the appointment of Governors and secondly by sanctioning or disallowing the measures of the local Governments, of which these officers are at the head'.¹ The first of these was perhaps the more important, for it was quite impracticable to supervise the administration in detail; and in accordance with this theory Grey often urged—and so did the Colonial Reformers—that the Governors should be paid by the Imperial authorities, who would pay liberal salaries and attract efficient men.² This was already done in some of the West India colonies, and was officially suggested to Canada in 1851; but the balance of argument was really the other way. 'Putting the Governor on the Budget here', wrote Russell, 'would increase the distaste to colonies which foolish Radicals affect, and would have the air of making them independent of the people they govern.'³ It was, in fact, to become an essential principle, in the end, that the Governor of a self-governing colony was not so much an Imperial officer as the head of the Colonial Government.

Yet at the time the Governor, even in a colony with responsible government, undoubtedly had considerable independent power. Elgin averred that in Canada he had double the power that he possessed in Jamaica, where there was no responsible government. His description of his position is classic.

'I believe that there is more room for the exercise of influence on the part of the Governor under my system than under any that was ever before devised; an influence, however, wholly moral—an influence of suasion, sympathy, and moderation, which softens the temper while it elevates the aims of local politics.'⁴

In theory, of course, the Governor was still not bound to

¹ *Colonial Policy of Lord J. Russell's Administration*, vol. i, p. 19 (from Cabinet Minute, 7 January 1850).

² Evidence of Lord Grey before Committee on Miscellaneous Expenditure: *P.P.*, 1847-8, xviii, Part I (H.C. 543), QQ. 6888-90.

³ Russell to Grey (1 January 1849): *Howick Papers*.

⁴ Elgin to Cumming Bruce (September 1852): Walrond, *Letters and Journals of Lord Elgin*, p. 126.

act in accordance with the advice of his Executive Council, unless so required by law, but the art of government lay in avoiding such differences, which were likely to entail a resignation of the Council; and it was by this means, aided by the sheer power of his intellect, that Elgin attained his influence. Hincks gives us a glimpse of how Elgin's advice was taken even in so purely domestic a question as the allocation of portfolios in his Ministry;¹ and the incident of 1854, when he induced his new Ministers to adopt the previously prepared Speech from the Throne, seems to show that by that time Elgin's influence was predominant when he chose to exercise it. He exercised it, of course, in all things as a constitutional Governor, and drew no hard and fast line of distinction between domestic and Imperial affairs: nevertheless he fully accepted the view that it was his business to preserve harmony of action between the local and Imperial authorities and to be 'in the most emphatic sense of the term, the link which connects the Mother Country and the colony'.² He should receive upon his body the shafts intended for the Imperial Government.

Sir Edmund Head in New Brunswick was also very far from being a mere figure-head. He regarded his responsibility to the Government at home for the administration of the colony as real and important and was ready if necessary, as has been shown in an earlier chapter, to act upon this view even at the cost of difficulties with his Council. The Executive Council were entitled to make representations to the Secretary of State but he as Lieutenant-Governor could take his own line unless and until the Secretary of State decided against him.³ Sir John Harvey in Nova Scotia, without the intellectual force of Elgin or of Head, made in Lord Grey's opinion insufficient use of his moderating power⁴—the fact of course being that Joseph Howe was supreme in influence and in capacity.

Clearly the Elgin-Grey system, as a means of reconciling responsible government with Lord John Russell's theories of

¹ Hincks, *Reminiscences of Public Life*, p. 256.

² Elgin to Sir G. Grey (31 December 1854): Walrond, *op. cit.*, p. 127.

³ Head to Grey (28 February 1852) (Separate): CO 118/116. See also above, p. 467.

⁴ Grey to Harvey (27 March 1849): CO 218/34.

1839, required of the Governor a rare combination of statesmanlike qualities. Yet neither Grey nor Elgin, apparently, realized that it was essentially a transitional system. Gradually colonial politicians acquired experience of responsible government; colonial communities became more and more impatient of anything that even seemed to be restraint; and as the colonies thus completed their political education the influence of the Governors, suffering as they did from lack of previous knowledge and of permanent interest in the colony, waned correspondingly. A perusal of Dr. Keith's *Responsible Government in the Dominions* speedily disposes of any idea that Governors became nonentities; and in many cases no doubt their influence was greater than was generally known.¹ Nevertheless what is said by Professor Morison of Canada came to be true of all responsibly governed colonies: 'It had become apparent, long before 1867, that while the loyalty of the province to the sovereign, and the personal influence of her representative were bonds of union, real, if hard to describe in set terms, the headship over the Canadian people was assumed to be official, ornamental, and symbolical, rather than utilitarian.'² It ceased, in short, to be a real limitation of colonial freedom in the interests of Imperial supremacy.

The power embodied in the Imperial veto was also intended by Grey to be a real limitation and has similarly ceased to be one. The powers regarded as essentially Imperial were gradually diminishing in number. The control of lands was jealously maintained by Lord Grey in Australia, but in North America it had been abandoned for some years past: and Grey's veto on a proposal to reduce the price of land in Nova Scotia antedates the establishment of full responsible government. The form of constitution was regarded by Grey, despite the Durham Report, as being in general a local matter. The powers of alteration conceded by the Australian Colonies Government Act he was quite willing to concede to Canada also.³ All attempt at constitutional uniformity

¹ See an interesting discussion by Laurier of the Governors-General of Canada: Skelton, *Life and Letters of Sir W. Laurier*, vol. ii, p. 86.

² *British Supremacy and Canadian Self-Government*, p. 327.

³ Grey to Elgin (31 July 1849) (Private): *Howick Papers*.

was abandoned with the passage of the Australian Colonies Act and the framing of the Cape Report. Minor powers—such as control of the Post Office, which had assumed a new importance after the reforms of Rowland Hill—were constantly being conceded. In 1849 an Act (12 & 13 Vic., cap. 66) was passed to enable colonial legislatures to establish inland posts and regulate the rates of postage; and an Act of 1847 (10 & 11 Vic., cap. 95) had enabled them, on certain conditions, to pass copyright legislation. Lord Grey's guiding principle was not that the veto should be used to debar the colonies from legislating on certain specified subjects—still less that it should be confined to legislation on those subjects—but that a general power to intervene should be retained, to be exercised, however, only with extreme discretion.

Mere objection to the principles of an Act might be sufficient reason for its disallowance in the less advanced colonies, though Grey claimed that even here his policy was as far as possible to let the colonies decide for themselves. In the colonies with responsible government such an objection might be urged, so as to give the colonial authorities opportunity for further reflexion, but it ought not to be pressed to the point of disallowance. He instanced, in a Minute for the Cabinet, certain Canadian Bank Charter Acts:

'Nothing can, in my opinion, be more contrary to sound principles and good policy than some of these Acts; yet . . . the objections of the Treasury were not considered valid in Canada, and therefore, in compliance with the recommendation of the Governor, the Acts have been confirmed.'¹

Only in the rare cases where Imperial interests or the honour of the Crown were affected should the Imperial Government use its supremacy to interfere with a colony possessing responsible government. Imperial interests, as we have already seen, Grey tended to limit more narrowly than his predecessors—though he insisted as firmly as any of them that no departures from the settled Imperial tariff policy could be allowed. He also tended to narrow down, more closely than some of his critics—witness the 'Fairbanks case'

¹ Minute for the Cabinet (7 January 1850): *Howick Papers*.

in Nova Scotia and the Rebellion Losses Bill—the cases in which the faith of the Crown was held to be involved; and Colonial Governments and Assemblies proved amenable to reason in those remaining. The power was particularly important in the period of transition to responsible government, for the provision of pensions for retiring officers was generally made a condition of the grant; but, where power to alter the civil list was conceded to colonies without responsible government, it was accompanied by certain stipulations not only in regard to existing officers, but also in regard to the independence of the judges.¹ Grey believed that colonies were prone to fix official salaries too low, and was anxious to use Imperial influence accordingly even where he admitted the use of Imperial authority would be unjustified.² There were occasional cases, also, in which colonial legislation was disallowed as interfering with the Royal prerogative. A New South Wales Vagrancy Bill of 1849 was held to interfere with the prerogative of mercy; a Canadian Currency Bill of 1850 was held, by the Treasury, to interfere with the prerogative of regulating the coinage. Hincks vigorously argued that it was no more an interference with the prerogative, if duly assented to, than an Imperial Act would be;³ Grey and Merivale admitted that in their opinion he had the better of the constitutional argument,⁴ and in the end Canada was bound to get its way.

Thus Imperial control of colonial legislation was still very much of a reality under the Ministry of Lord John Russell; and it is by no means true that Lord Grey's successors abandoned his policy. The only alternative at the time compatible with the maintenance of Imperial unity—a statutory definition of powers—had, we have seen, been rejected; and Lord Grey's principle that a veto should be retained and used with great discretion became the accepted policy. The volumes of Professor A. B. Keith are sufficient proof that the power was retained. In the last analysis, of course, Imperial supremacy was incompatible with colonial self-government:

¹ See above, pp. 378–9.

² See Elgin to Grey (31 December 1850): *P.P.*, 1851, xxxvi (Cmd. 1344), pp. 2–6.

³ Memo. (14 May) in Elgin to Grey (16 May 1851): CO 42/573.

⁴ Minutes (2 June 1851): CO 42/573, No. 4734.

it was gradually whittled away, and the British Government must now trust, for the attainment of its objects, not to the exercise of authority, but to the processes of negotiation and agreement. But that was no reason why the Imperial Government, shouldering as it did the main, almost the entire, burden of defence, should relax the bonds of its authority in matters of Imperial concern before the colonies asked for such relaxation. When they did ask, and when increased wealth and population made them more conscious of their strength and more fitted for increased responsibility, it was a different matter: the time had then come to transform the relation into one of partnership. But it was better that the transformation should come with the inevitability of gradualness. Lord Grey's position on some points was no doubt conservative, and in the end the limitation of colonial freedom had to become self-limitation or disappear. But he was right in his general principle that the claims of freedom must be limited by the claims of unity.

If at the time Lord Grey appeared less liberal than many of his critics, it was largely because he attached more importance than they did to the maintenance of Imperial unity. The belief of Cobden and of Gladstone was that freedom ought to be the governing principle and that unity ought to be allowed to take care of itself. They seemed to vary in their forecast of the results; and Gladstone, at least, sincerely wished that the connexion with the colonies might be maintained.¹ On the other hand, many men undoubtedly felt that secessions were inevitable, and not a few believed even that they were desirable. Henry Taylor thought the advantages of keeping Canada 'no more than the dust in the balance' as compared with the increased danger that it brought of war with the United States.² Sir James Graham in 1848 thought 'that we ought to limit instead of extending our colonial Empire, that Canada must soon be independent'.³ All the evidence moreover goes to show that in conversation similar views were frequently expressed. Roebuck ought hardly,

¹ Address on 'Our Colonies' (12 November 1855): Knaplund, *Gladstone and Britain's Imperial Policy*, pp. 185-227, esp. p. 225.

² Taylor to Grey (6 May 1852): Dowden, *Correspondence of Sir Henry Taylor*, p. 200.

³ Greville, *Journal of the Reign of Queen Victoria, 1837-1852*, vol. iii, p. 124.

perhaps, to be called a separatist, for he hoped that a close union would exist between England and her colonies after they had become independent, and that all their mutual relations would be so ordered as to conduce to the welfare of both parties; but he argued that if England tried to retain them she would simply turn them into hostile and envious rivals and drive them into the arms of the United States. 'The Mother Country should be proud to see her colonies honestly glorying in their strength, and wishing for independence, and should prepare for the coming change.'¹ Nor perhaps ought Frederic Rogers to be called a separatist; yet he believed not only that independence was coming, but that 'it is not easy to say how you are to accomplish what we are, I suppose, all looking to—the eventual parting on good terms'.² Still less ought Disraeli to be regarded as a separatist. Yet there is the famous indiscretion of 1852—'these wretched colonies will all be independent, too, in a few years, and are a millstone round our necks'—which his biographer can only explain away by the admission that 'he did, indeed, fear for a moment . . . that the Radical policy of encouraging the Colonies to set up for themselves might be successful'.³ It is difficult to avoid the conclusion that few men of any school of thought retained a lively faith in the permanence of the Empire.

Yet faith was more than ever necessary. The classic expositions of the new Imperial faith are to be found in the letters and speeches of Lord Elgin and of Joseph Howe. Elgin, however, was not always sanguine.

'What I fear', he wrote to Grey, 'is that when the mystification in which certain questions of self-interest were involved by protection is removed, factions both at home and in the colonies will be more reckless than ever in hazarding for party objects the loss of the colonies.'⁴

Nor was Joseph Howe entirely satisfied with self-government as a solution of the Imperial problem. The colonists

¹ Roebuck, *The Colonies of England*, pp. 170-4, 188-90.

² F. Rogers to Dean Church (15 September 1854): Marindin, *Letters of Lord Blachford*, pp. 157-8. Thirty years later he still regarded the break-up of the Empire as inevitable: *ibid.*, pp. 296-300.

³ Monypenny and Buckle, *Life of Disraeli*, vol. iii, pp. 385-6.

⁴ Elgin to Grey (14 January 1850): Walrond, *op. cit.*, pp. 113-14.

did not yet possess the full rights of Imperial citizenship and a voice on questions of peace and war. He asked for Imperial co-operation.

'If . . . the British and Colonial statesmen of the present day, cordially co-operating, do not incorporate this people into the British Empire, or make a nation of them, they will make a nation of themselves. . . . I have turned with disgust from the eternal gabble about the balance of power in Europe, when I have thought how lightly British statesmen seem to value the power that can alone balance their only commercial rival . . . I pause in the presence of the great peril which I foresee.'¹

The worst enemy of the new imperialism, in short, was British indifferentism. Hence Elgin's bitter disappointment at the 'sting in the tail' of Lord John Russell's speech on colonial policy in 1850. 'Is it not hard upon us,' said Robert Baldwin to him, 'while we are labouring, through good and evil report, to thwart the designs of those who would dismember the Empire, that our adversaries should be informed that the difference between them and the Prime Minister of England is only one of time?'

'My audience', adds Elgin, 'was disposed to regard a prediction of this nature, proceeding from a Prime Minister, less as a speculative abstraction than as one of that class of prophecies which work their own fulfilment. . . . I have never been able to comprehend why, elastic as our constitutional system is, we should not be able, now more especially when we have ceased to control the trade of our colonies, to render the links which bind them to the British Crown at least as lasting as those which unite the component parts of the Union. . . . One thing is, however, indispensable to the success of this or any other system of Colonial Government. You must renounce the habit of telling the Colonies that the Colonial is a provisional existence. You must allow them to believe that, without severing the bonds which unite them to Great Britain, they may attain the degree of perfection, and of social and political development, to which organized communities of free men have a right to aspire.'²

The colonies, in fact, if free institutions were trustingly given them and if they were encouraged to be loyal, were not

¹ Speech on the Organization of the Empire (11 March 1854): *Speeches and Public Letters of Joseph Howe* (ed. Annand), vol. ii, pp. 174-206. In Chisholm's edition the pages are 268-95.

² Elgin to Grey (23 March 1850): Walrond, *op. cit.*, pp. 115-20.

at the moment anxious to assert in their fullness the claims which Howe's imagination and ambition prompted him to make, and were willing to forgo some of the responsibilities and powers—as they were unwilling to assume some of the burdens—of nationhood.¹ But they expected something in return from British statesmen—a faith in the possibilities, and an acknowledgement of the obligations, of Empire.

'Earl Grey', as Kennedy truly says, 'had his dark moments. At times the lamp of faith burned dim. It is, however, his unique virtue that he was the only Colonial Secretary who had any faith at all.'² Grey complained that there were even members of the Cabinet who thought that Great Britain had no interest in preserving the colonies and ought therefore to make no sacrifices for them.³ Russell, it is true, thought Elgin's criticism of his speech unjustified, particularly after his own despondency about the annexation movement: he carefully dissociated himself from the Cobdenites, to whom the criticism did apply.⁴ Nevertheless there is a contrast between his philosophic doubt and Grey's ardent determination to seek unity and ensue it.

Grey vigorously denied that the North American colonies, self-governing as they now were, were only a charge and an encumbrance to the Empire.

'It seems to me', he said in a Cabinet Minute, 'that it would be no ordinary calamity if the British Empire were to lose and the United States were to gain this extensive territory, having already a population of two millions, which is increasing with unexampled rapidity, and to the future amount of which it would be difficult to set a limit . . . and I presume no one doubts that if at the present time these provinces were to be separated from the British Empire, they would be necessarily swallowed up in the Union.'⁵

He believed that much of the power and influence of Britain depended upon her Colonial Empire. The connexion with the colonies was closer than the most intimate alliance: the united strength of the Empire might be used for its

¹ Cf. Hincks, 'Reply to the Speech of the Hon. J. Howe' (1855) in *Reminiscences of Public Life*, pp. 230-50.

² Kennedy, *The Constitution of Canada*, p. 250.

³ Grey to Elgin (18 May 1849): *Elgin-Grey Correspondence*.

⁴ Russell to Grey (19 April 1850): *Howick Papers*.

⁵ Minute (8 February 1849): *ibid*.

protection: the colonies were both safer and happier as parts of the British Empire than they could be as petty independent states. Lord Grey could not quite see—though undoubtedly his clear and far-seeing mind was influenced by the faith and sympathy of Elgin—how Imperial unity could be reconciled with full self-government and he was correspondingly cautious in his concessions. Nevertheless he was ready to promote the formation of national federal unions in Canada and in Australia in the faith that they would be not harmful—as Molesworth, for instance, thought—but beneficial to the interests of the Empire. He was ready in time of need to give the colonies the assistance of Imperial credit and Imperial troops. He was ready, in short, to act on the principle that the connexion with the colonies was a matter of mutual advantage. More than that, he believed that the maintenance of the Empire was a matter not only of advantage but also of obligation.

‘I do not consider that the nation would be justified in throwing off the responsibility it has incurred by the acquisition of this dominion. . . . The authority of the British Crown is at this moment the most powerful instrument, under Providence, of maintaining peace and order in many extensive regions of the earth, and thereby assists in diffusing amongst millions of the human race, the blessings of Christianity and civilization.’

He was convinced that calamitous consequences would follow in New Zealand, in the West Indies, in Ceylon, in South and West Africa, if British authority should be withdrawn. Would there, indeed, be even a saving of expense?

‘On the other side of the account we have to put the destruction of British property which would thus be occasioned, and the annihilation of lucrative branches of our commerce, by allowing anarchy and bloodshed to arrest the peaceful industry which now creates the means of paying for the British goods consumed daily in larger quantities by the numerous and various populations now emerging from barbarism under our protection.’¹

This sense that Empire had its obligations was, as Elgin realized, a necessary constituent of any firmly-grounded Imperial faith. But in Lord Grey’s view it involved consequences not altogether palatable to the advocates of

¹ *Colonial Policy*, vol. i, pp. 11–16 (from Cabinet Minute, 7 January 1850).

colonial freedom. The principle of freedom must be supplemented by the principle of trusteeship.

In his appreciation of the meaning of trusteeship Lord Grey stood almost alone among the English statesmen of his day. There were, indeed, a few men in the colonies who understood—Elgin, with his experience of Jamaica, Sir G. Grey, who had made greater contributions to native policy than any other living man. But in England the missionary enthusiasms of Exeter Hall had gone out of fashion, and Cobden's ideas, as expressed in 1850 on a vote for the purchase of the Danish forts on the Gold Coast, had come in.

'They aimed', Cobden complained, 'at nothing short of the civilizing and Christianizing the vast coast of Africa. But he held that they had a great deal to do at home within a stone's throw of where they were before they embarked on a scheme of redeeming from barbarism the whole coast of Africa. . . . There was a great difference between acquiring territory where the race might become indigenous, so as to extend commerce and to spread the principle of self-government over the world, and taking possession of tropical territory, where their own race was not indigenous, where Government must be upheld by force, and where there was no prospect of being able to disembarrass themselves of the responsibilities of governing the people.'¹

Not only Bright but Molesworth and Gladstone spoke or voted the same way. Grey, it is true, shared their ideas to the extent of not wishing to spend more money than he could help; nor did he believe, as some have done since, in extending Imperial responsibilities light-heartedly.² But he did not accept Cobden's false antithesis between the work of the social reformer at home and of the missionary or colonial official abroad; and he had a clear idea of the ultimate aim in the government of native races—namely their civilization. Where white settlement was impossible or undesirable, as in the Gold Coast Protectorate, the territory should ultimately be handed over to the native races—though not until our obligations were fulfilled.

'The true policy I believe to be . . . to keep constantly in sight the formation of a regular government on the European model, and the

¹ House of Commons, 19 July 1850: *Hansard*, Third Series, vol. cxiii, pp. 37-42.

² Note his rejection in 1848 of Sir G. Grey's plea for acceptance of the proffered cession of Fiji and Tonga. Labuan, on the other hand, was annexed in 1847.

establishment of a civilized polity, as the goal ultimately to be attained; . . . taking care that each successive step shall appear to the people themselves as nothing more than the natural mode of providing for some want, or remedying some evil, which they practically feel at the moment. It is thus in fact that our own institutions and laws have grown up. . . . The real interest of this country is gradually to train the inhabitants of this part of Africa in the arts of civilization and government, until they shall grow into a nation capable of protecting themselves and of managing their own affairs, so that the interference of the British authorities may by degrees be less and less required. Orderly and civilized communities cannot grow up in a country capable of yielding such valuable productions, without our carrying on with them a large and mutually advantageous trade; but in a climate so uncongenial to European constitutions, it is not desirable that the maintenance of order and the progress of civilisation should continue to depend on the exercise of authority by white men, or that the duty of governing and protecting the inhabitants of Western Africa should be thrown upon this country longer than can be avoided.'¹

Grey seems to have held similar views of the ultimate destiny of the parts of South Africa inhabited solely by natives. Where white settlements already existed—whether they were the plantations of Ceylon or the West Indies, or the farms of New Zealand or South Africa—his aim was an 'amalgamation of the races', not so much, it would appear, an intermixture as the formation of a unified society, such as exists to a great extent to-day in New Zealand.² He believed this to be the only alternative to the eventual destruction of the weaker race; and it was all the easier for him to aim at it because the aristocratic form remained the most typical of civilized society.

Grey had very definite ideas, also, as to the means of civilization. The foundation of progress was, of course, the establishment of order and security: after this came missions and education. The education should be partly intellectual, partly industrial. For in Grey's eyes it was of great importance not merely to civilize and Christianize the native but

¹ *Colonial Policy*, vol. ii, pp. 286-7. The administration of the Gold Coast forts and protectorate had been resumed by the Crown, on the recommendation of a Parliamentary Committee, in 1843, after a Committee of Merchants had administered it since 1828 through the able agency of Captain Maclean.

² He held this view even in the case of the Australian aborigines: Grey to FitzRoy (5 November 1850): CO 202/58.

to train him to work. To train him indeed was not sufficient: 'I believe', he remarked, 'in no country and in no climate will man work except under pressure of necessity.'¹ The best method of applying such pressure was direct taxation—such as the house tax in Natal and the road tax in Ceylon, or indeed the 'monthly tax' on coolies in the sugar colonies. Such taxation was also useful in that it lessened the need for indirect taxation and thus cheapened the products of European manufacture and encouraged the native to form a taste for them: Grey recognized, however, that it was not always practicable. Moreover, this direct taxation should be applied for the benefit of the native from whom it was levied, and out of it should be maintained the schools and hospitals that he required. The employment of natives on militia or police duty and on public works would also be beneficial in more ways than one. 'To railways', Grey wrote to Sir G. Anderson, 'I am a great friend, believing them to be the most powerful instruments of civilization and improvement.'² Last but not least, the authority of the chiefs should in general be upheld. Certain practices such as witchcraft must be from the first prohibited, but the British authorities must not shrink from tolerating much that they disapproved of for the sake of the larger end. Not only would money thus be saved, but ultimately, Grey hoped, the influence of civilization would transform the chiefs into an aristocracy.

Doubtless a modern critic can pick holes in Lord Grey's theories. He greatly underrated the difficulty of the task he had undertaken, and was impatient for tangible results. He hoped too much from education, nor did he realize sufficiently what education meant. In his measures for inducing the native to work he was too apt perhaps to assume that the sole end and aim should be to train him to be a docile labourer. In respect of native levies he was too apt, as Russell saw, to draw analogies with India. But, after all, scientific knowledge and experience of the problems with which he grappled have vastly increased since Lord Grey was Secretary of State. All pioneers must make mistakes, and Lord Grey was a pioneer. He swept aside the ideas of *laissez-faire* and limitation of

¹ Grey to Clarendon (11 October 1850): *Howick Papers*.

² Grey to Anderson (Ceylon) (24 February 1851) (Private): *ibid*.

responsibility which pervaded British policy once slavery had been abolished. He perceived that Government must assume some responsibility for health and education. He perceived that industry was one of the prime factors in civilization. He realized the significance—pointed out by Lord Lugard in his *Dual Mandate in Tropical Africa*—of methods of taxation, and particularly of direct taxation. He realized the need, also pointed out by Lord Lugard, of a tribal authority with recognized standing where nothing else lies between an uncivilized society and social chaos. He realized something of the significance of railways, which are one of the corner-stones of modern native policy. It is not too much to say that it was Lord Grey who first gathered up the scattered threads of humanitarian tradition and unco-ordinated experience, and wove them into a real native policy; and that he thereby strengthened the whole fabric of the modern British Colonial Empire.

Lord Grey, in short, was much more than 'the perfect Cobdenite'. He was indeed a convinced free trader, but there was something in the texture of his thought which owed nothing to Cobden and the disciples of *laissez-faire*. He conceived of Government as having no small part to play in the development of the British Empire. It was natural that he should, for whereas Cobden was, through and through, a man of the middle class, Grey was steeped, more perhaps than he realized himself, in the old aristocratic tradition of responsibility and public service—the tradition upon which the government of the dependent Empire still rests.

Of the three fundamental ideas of the modern British Empire—freedom, unity, responsibility—the Colonial Reformers were apt to overlook the third, and at times to undervalue the second, in their insistence on the first. Lord Grey always endeavoured to synthesize the three, though with him the claims of unity and of responsibility were just a little inclined to encroach upon the territory of freedom. His attempt at an all-embracing colonial policy was, indeed, too ambitious. There was something to be said, after all, for the traditional British method of solving these problems one by one as they arose. It is hardly conceivable that any man could have succeeded in the task Grey set himself. The greatest of

Grey's successors, Joseph Chamberlain, was also in his time to find that the problems of the Empire were too complex to be all set on the road to solution by a single man. Grey's personal qualities, it is true, militated against him. The fact that he never received justice from the colonists was in part due to his own deficiencies in temper and in judgement. He was too much of an intellectualist. Pioneers in new countries are intensely practical, and have little time to stray from the realms of action into those of thought. They do not look for cogent arguments, didactic statements of principle, and appeals to reason, but rather for sympathy and understanding. Yet on the other hand it is true that the changes in English opinion—the rise of the Manchester School, the declining influence of Exeter Hall—and for that matter the new colonial self-consciousness also, required an intellectual effort from Imperial statesmen. How far were the old traditions to be jettisoned, how far retained? Lord Grey at least knew what he wanted, even if he did not always want precisely the right thing; and no pilot on so difficult a passage as he had in those critical years could have avoided all the rocks.

Nor had any of the colonists or Colonial Reformers a loftier conception than he of the historic mission of the British Empire. The old fashion had been to think of the British Empire as an economic unit: the new fashion was to think of Great Britain as the mother of nations like unto herself. Lord Grey's thought was not uninfluenced by these conceptions, but the Empire to him meant more than that. Economically and politically it added to the greatness and strength of England, but it was no mere affair of glory and prestige and power. It was a mighty instrument of Providence for the civilization of the backward races and for the spread of peace and justice through the world. England would be false to her best self if she neglected the opportunities it offered and shrank from the responsibilities that it entailed.

APPENDIX A

THE CEYLON REBELLION OF 1848

THE rebellion in the Kandyan Province which brought Ceylon into sudden prominence ought probably to be regarded as an incident in the adjustment of the colony to more modern social and economic conditions. It was being transformed by the rapid growth of the coffee industry in the early forties.

'The arrival of large numbers of English planters throughout every district of the interior; the establishment of English merchants at the sea-ports; the vast influx of European capital, amounting to nearly £1,000,000 per annum during each of the last five years; and the regular increase of British shipping, all within the last ten years, have created a demand for labour, both skilled and manual, which has opened a new field of employment for the natives. Vast numbers have been engaged, both as superintendents and labourers, in the felling of forests, and the planting of coffee and sugar, the construction of roads, the building of bridges, the erection of houses and stores and the carriage of supplies from the coast to the interior, and of produce from the interior to the coast. . . . Above all, many of the higher class of natives have at length been kindled into something like enterprise by the example of the European settlers, and have themselves begun to clear their forests, plant their estates, and enter into competition with the English merchants in the production of coffee, cinnamon and the other products of the island.'¹

It was hardly surprising that a colony thus developing an important new export industry should outgrow its financial system. The position was investigated by a Departmental Committee in England, which recommended, first and foremost, a land tax. Lord Torrington, who went out to Ceylon with Lord Grey's recommendation that he should introduce such a tax and with a tactful suggestion from Lord John Russell that he should read Adam Smith on the voyage, nevertheless reported the imposition of the tax to be impracticable. He also found that a reaction from the excitement of the coffee boom had now set in, and that the colony was living far in excess of its income. He and his Council decided that bold measures were necessary. The export duties were repealed or reduced; the customs tariff was remodelled; new direct taxes—a dog tax, a shop licence, a gun tax—were imposed; and a Road Ordinance was passed, providing for six days' 'statue labour', commutable for money, on the roads, and thereby relieving the Island Treasury of part of the expense. Provision was also made in this Ordinance for elected 'Division Officers'—the germ of a system of local government.

¹ Report of Sir J. Emerson Tennent on the Finance and Commerce of Ceylon (22 October 1846): *P.P.*, 1847-8, xlii (Cmd. 933), p. 49.

The imposition of these taxes was followed by serious disturbances in the Kandyan Province in July 1848, and by the crowning in a Buddhist temple of a pretender to the ancient Kandyan throne. Martial law was proclaimed, and continued for ten weeks. Long before that time had elapsed the disturbances had been suppressed, and some of the ringleaders had been tried by court-martial and shot. Though the pretender took a deal of catching, there was no fighting worthy of the name.

The taxes, it seems clear, were rather the occasion than the cause of the rebellion. It is, indeed, true that an inventory of the effects of the natives had recently been taken by Government peons, with the object of securing more accurate 'blue book' returns, and that irresponsible individuals had used this to misrepresent the new taxes to the people: but Sir Emerson Tennent, the Colonial Secretary, had made a trip to the interior to remove misapprehensions, and, except with regard to the mode of levying the gun tax, had received few complaints.¹

The root of the trouble seems to have been that the Kandyans had never really acquiesced in British rule. There had been outbreaks in 1817 and 1823, and conspiracies in 1820, 1834, and 1843. 'The chiefs thought they would still continue to govern the country, to oppress the people, and to gather the revenues of Kandy as before, and that we were simply to have the regality of the territory.'² It appears that two Ordinances of 1844, one abolishing domestic slavery, the other abolishing distinctions of caste on juries, further undermined the chiefs' position. The Buddhist priests were dissatisfied too. After the 1815 Convention with the Kandyans Government had taken over from the dethroned kings of Kandy the appointment of lay managers for temple lands, the formal acknowledgement of elected chief priests as legal holders of these estates, and some responsibility for the custody of a relic supposed to be Buddha's tooth.³ In 1844, however, Lord Stanley informed the Governor, Sir Colin Campbell, that the time had come to dissociate the Government from all 'idolatry'. The first Ordinance framed under these instructions did not go far enough for Lord Stanley, nor the second for Lord Grey. Grey could not agree that the faith of the Crown could in any sense be pledged to maintain 'abominations to which not merely the revealed law of God but the general conscience of mankind is irreconcilably hostile.'⁴ Torrington

¹ *P.P.*, 1851, viii (H.C. 36), QQ. 2605-8 (Evidence of Sir E. Tennent).

² Torrington in House of Lords, 1 April 1851: *Hansard*, Third Series, vol. cxv, p. 845.

³ Campbell to Stanley (24 January 1844): CO 54/210.

⁴ Grey to Torrington (13 April 1847): CO 55/87. It is probable that Stephen was the real author of the dispatch.

predicted difficulties. 'The Courts of Law', he wrote, 'will not recognize the appointments made by these people for the management of their lands. . . . Religion is the least part of the question, so much so that I have never heard mention of it.'¹ The priests complained that they were utterly unable to obtain their dues, or indeed any of their rights of property; that they were suffering great distress; that their properties were being ruined, their temples falling into decay. Torrington himself thought the 'Buddhist question' the chief cause of the rebellion. And the people were in the mood to listen to their chiefs and priests. The coffee plantations were a mixed blessing. The Kandians complained that their grazing lands and forests were sold over their heads; that their cattle were liable to be shot or impounded for trespass.² The positive influence of Government was moreover small. The European officers, despite the efforts of Secretary of State after Secretary of State, were still in general unable to speak the native language. Many parts of the island were far removed from Courts of Justice, and where justice was available it was expensive. There were even districts that had not been visited by a European for thirty years.³

The effect of the rebellion upon policy in Ceylon was perhaps in some respects beneficial. The moral drawn by Gladstone in his speech on 29 May 1851, by far the best in the long series of Ceylon debates, was undoubtedly sound. He condemned both the new direct taxation and still more the new Buddhist policy on the broad ground that the wishes and feelings of the natives had not been sufficiently taken into account.

'We are not here to discuss the merits of that religion, or to be the advocates of Buddhism, but we are here as the advocates of good faith. . . . You bound yourselves to take some qualified care of the property connected with the Buddhist religion; and unfortunately, just before the period of the outbreak (not supported by the advice of the Civil Servants of the colony but opposed by them all) in the teeth of the advice of every practical man, you suddenly threw up all charge over the property connected with the maintenance of their religion, and refused to constitute any new legal staff for its management. Was it possible to adopt a measure more calculated to exasperate the people?'⁴

Yet it may be doubted whether three years of acrimonious controversy were required to point this moral. Some of the taxes were repealed or modified, to the regret of Lord Grey—though Torrington denied that the repeal had anything to do with the rebellion. But

¹ Torrington to Grey (15 August 1847) (Private): *Howick Papers*.

² *P.P.*, 1851, viii (H.C. 36), Q. 6880 (Sir A. Oliphant, C.J.). The chiefs and headmen also found that the cost of labour had risen.

³ *P.P.*, 1851, viii (H.C. 36), QQ. 3943-8 (Sir E. Tennent).

⁴ *Hansard*, Third Series, vol. cxvii, pp. 209-18.

the Road Ordinance, the most important of these measures, was maintained; and its effects are still to be traced in the local government system of the island. Two years before Gladstone's speech Torrington had pointed out the folly of the idea that a Christian Government must boycott all religions but its own.

'It does appear to me the duty of Government', he urged, 'to protect all parties in the enjoyment of their property, be their religion what it may, or the manner in which the funds are expended ever so contrary to our religious tenets, provided however that their religious ceremonies are not performed in such a manner as to outrage public decency or disturb the public peace. . . . The Buddhist religion is the religion of the people, and till the ministrations of the ministers of the Christian religion shall have dispelled the darkness which to a great extent still hangs over the minds of the people, it is both wise and prudent to protect it. In itself the Buddhist religion is a mild and harmless one, and has as few objectionable points as any heathen doctrine. Unless we interfere it will be destroyed, before another and purer one is built up in its place; and I am sure I need not point out to your Lordship the dangers and misery that must overtake a country divested of any species of spiritual control. By Government appointing priests we have a hold and a satisfactory check over their proceedings; we can ensure the appointment of the best intentioned and most respectable of the priests; and their knowledge of the power we possess, will ensure the proper fulfilment of their duties and prevent any attempt at treasonable practices.'¹

The object of dissociating the Government from Buddhism was not abandoned; but after this it was pursued with much more discretion. By the final compromise of 1853 the 'tooth' was handed over to priestly custody, and certificates were to be issued recognizing the legal validity of elections to the chief priesthoods and lay offices which under the old system, temporarily continued after the rebellion, had been filled by Government appointment.²

In any case the criticism in England centred rather on the suppression of the rebellion—on the reports that martial law had been too long continued, property unnecessarily confiscated, priests shot in their robes, executions indiscriminately sanctioned. 'Acts of atrocity', Baillie asserted, 'will be brought to light, compared with which the devices of Haynau in Hungary will appear mild and merciful.'³ Even Peel, though he did not quarrel with Torrington for acting vigorously, thought that he might have 'abstained from some of the acts done, and spoken of them when done in a different tone and temper';⁴ whilst

¹ Torrington to Grey (10 May 1849): *P.P.*, 1851, viii, Part II (H.C. 36-II), pp. 260-3.

² Anderson to Pakington (6 August 1853): *P.P.*, 1852-3, lxx (H.C. 61).

³ House of Commons, 6 February 1850: *Hansard*, Third Series, vol. cviii, p. 424.

⁴ House of Commons, 20 February 1849: *ibid.*, vol. cii, pp. 1014-17. Grey was disgusted with Russell's feeble defence of Torrington, which would seem to show that Russell himself had doubts.

Gladstone, when the inquiry was over, declared that the destruction of property by the rebels ought not to weigh in the balance against the waste that there had been of human life. The more ignorant the people—the more easily they had been duped into rebellion by those whom they respected as their superiors—the more allowances ought to have been made for them. The action of the Ceylon Government was ‘pregnant with fatal consequences to the good fame of this country, and to the allegiance of its subjects throughout the world.’¹ If such criticism as that of Peel and Gladstone had stood by itself, it might be said that the critics had deserved well of the country; for, difficult as it is to condemn a man for strong action in an emergency, or the Home Government for supporting his action, the evidence does leave an impression of rather unnecessary severity, particularly on the part of subordinate military officers. But, as things were, anything less conducive to the cause of good government among backward peoples than the Ceylon controversy, with its wild assertions, its betrayals of private confidence, its interminable and inconclusive wrangling, can hardly be conceived. The whole affair was a foretaste of the Eyre controversy of 1865–6.²

¹ House of Commons, 29 May 1851: *Hansard*, Third Series, vol. cxvii, pp. 209–18.

² A similar campaign to that against Torrington was being waged simultaneously against Rajah Brooke of Borneo; but it falls outside the scope of this work.

APPENDIX B

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